

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20388 of 2014

1. Ramchandra Mahto son of late Panchu Mahto, resident of Village- Sormar, P.O. Jagdish Paran, Police Station- Chakmehsi, District- Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

2. The Director, Sainik Kalyan Nideshalay, Home Department, Govt. of Bihar, Patna

3. The District Sainik Kalyan Padadhikari, Chapra, District- Saran

4. The Accountant General, Bihar Beerchand Patel Marg, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra

For the Respondent/s : Mr. D. K. Prasad, GP 14

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-09-2016

The claim of the petitioner has been rightly rejected by the State of Bihar because the period he spent in service with the Army cannot be added to the period he spent in service with the State authorities. The two are two different services. Petitioner's pension under the Army is a separate issue. However, it emerges that the petitioner had served the State of Bihar for about 9 years 7 months and 4 days. In view of the same, he is entitled for consideration for exemption for three months in terms of various resolutions, which are still in place where discretion has been granted to the authorities to condone the period of three months to make a person eligible for consideration for grant of pension.

Let the petitioner make a clear and categorical claim and

prayer, which shall be considered by the competent authority with the object of granting condonation for a period of three months.

Writ is disposed of with the liberty as above.

(Ajay Kumar Tripathi, J)

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