

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5877 of 2014

Dr. Lakhi Chand Prasad, son of late Ram Khelawan Prasad, resident of At & P.O-
Hospital Road Siwan, Police Station- Siwan Town, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar
2. The Finance Commissioner, Government of Bihar, Patna.
3. The Principal Secretary, Health Department, Government of Bihar, Patna.
4. The Joint Secretary, Health Department, Government of Bihar, Patna.
5. The Treasury Officer, Siwan.
6. The Accountant General (A & E) Bihar, Patna.

.... Respondent/s

Appearance :

For the Petitioner : Mr. Raghav Prasad, Advocate.

For the Respondents : Mr. Tej Bahadur Singh, A.A.G.-7

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 23-11-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. This writ application has been filed for quashing
the authorization dated 6.10.2010 issued by the office of the
Accountant General, Bihar, Patna. By the said authorization, the
revision of pension of the petitioner has been made in terms of 6th
Pay Revision Committee Report @ Rs.15111/- in the pay scale of
PB-2 GP-5400 with effect from 1.4.2007.

3. The contention of the petitioner is that in terms of
6th Pay Revision Committee Report, the pension of the petitioner
ought to have been fixed in the pay scale of Rs.14300-18300 (PB-

IV) because the petitioner had retired in the super time scale and similarly situated persons of teaching wing i.e. Professor in super time scale have been granted the sanction of pension in the scale of Rs.14300-18300 (PB-IV).

4. The petitioner, a Civil Surgeon, retired from Siwan on 31.10.1989 on attaining the age of superannuation. His pension was sanctioned by the Department and subsequently, the Accountant General, Bihar, Patna, authorized his pension. At the time of his retirement, his pension was fixed in the particular pay scale on the basis of existing Pay Revision scale. The 6th Pay Revision came into force in place of existing 5th Pay Revision with effect from 1.1.1996. The petitioner had superannuated from service much before 1.1.1996.

5. A similar prayer was made by one Rameshwar Singh, a retired Superintendent, Rajendra Medical College & Hospital, Ranchi, in C.W.J.C. No. 3140 of 2014 and the same was dismissed by a Bench of this Court. The said order has been brought on record as Annexure-A to the counter affidavit filed on behalf of the Respondent No. 4.

6. The Accountant General, Bihar, Patna, has stated in his counter affidavit is that as and when the new Pay Revision comes into force, its replacing scale is determined on the basis of

resolution of the Finance Department and the same has been done in accordance with law in case of the petitioner also.

7. In view of the fact that the petitioner had retired much before the 6th Pay Revision came into force, the prayer of the petitioner made in the present writ petition cannot be allowed.

8. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29/11/2016
Transmission Date	N/A