

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12947 of 2016

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Dhaleshwar Paswan, Son of Late Timmu Paswan, Resident of Village Kharik
Bazar, P.S. Kharik, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (Police), Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Bhagalpur
3. The Superintendent of Police, Naugachia
4. The Circle Officer, Naugachia, District Bhagalpur.
5. Treasury Officer, Naugachia, District Bhagalpur.
6. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Ms. Apurva Kumari, AC to GA 4
For the Accountant General	:	Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 17-09-2016

Heard learned counsel for the parties.

The petitioner, having superannuated from the post of Chowkidar, seeks payment of pension to him, though he had not completed the minimum 10 years of qualifying service required, falling short by four months. It is submitted that under Rule 106 of the Bihar Pension Rules, 1950, the State has got authority to condone the

deficit period. It is further submitted that in a similar case relating to a Chowkidar, a Division Bench of this Court in L.P.A. No. 544 of 2012 (Parmeshwar Paswan Vs. The State of Bihar & Ors.) by order dated 14.07.2014, has directed for condonation of seven months deficit period and for payment of pensionary and consequential benefits.

Learned counsel for the State submits that the authority shall consider the case in accordance with law.

Having considered the matter, the writ petition stands disposed off with a direction to the respondents to take appropriate decision with regard to the claim of the petitioner keeping in mind the decision of the Division Bench of this Court in L.P.A. No. 544 of 2012. The said decision shall be taken within four weeks from the date of production of a copy of this order before the respondent no. 2.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
CAV DATE	N/A
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