

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1672 of 2015
IN
Civil Writ Jurisdiction Case No. 8815 of 2015**

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Ram Naresh Son of late Ram Bilash Bhagat Resident of Village- Akodhi, tola, Ps.
Akodhi, Gola, District Sasaram Rohtas(Bihar)

.... Appellant

Versus

1. The State of Bihar
2. The General Manager-cum-Chief Engineer, Office of the Bihar State Electricity Board, Patna
3. The Director of the Accounts, Bihar State Electricity Board, Patna
4. The Deputy Director of Account, Magadh Area Electricity Board, Gaya
5. The Electrical Executive Engineer, Supply Pramandal, Dehri-on-Sone
6. The Accounts Officer, Electrical Circle, Sasaram, Rohtas
7. The Secretary of Energy Department, Govt. of Bihar

.... Respondents

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Appearance :

For the Appellant : Mr. Dhananjay Kumar Singh, Advocate
For the Respondents :

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-01-2017

Heard counsel for the appellant.

I.A. No. 7575 of 2015, which is a petition for
condonation of delay by ten days is allowed.

Heard counsel for the appellant and counsel for the
State.

The submission of the counsel for the appellant that the
order of the learned single Judge requires to be interfered with
because there is error in the manner in which the calculation and
reduction is being made against the commutation of pension.



Commutation was made way back on 21.02.2003. Petitioner raised the grievance after more than 12 years by moving the High Court that was also one of the grounds for not interfering in the decision and exercising discretion.

Secondly, the learned single Judge has also gone into the merits of the matter. He has considered the rule relating to the commutation and has rightly come to a consideration that the restoration of the commuted value of pension is permissible under the Bihar Pension Rules only after completion of 15 years. Therefore, on some kind of mistaken understanding of the calculation of the commutation, the writ application was moved.

There is nothing illegal about the order passed by the learned single Judge. Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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