

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15025 of 2015

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Narendra Mohan Singh, S/o Late Shiv Nand Singh, Resident of Village and P.O. -
Baghauna, P.S.- Siswan, District-Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Secondary Education, Government of Bihar, Patna.
3. The District Education Officer, Siwan, District- Siwan.
4. The District Programme Officer (Establishment), Siwan, District- Siwan.
5. The Treasury Officer, Siwan, District- Siwan.
6. The Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Advocate
For the Respondent-State: Mr. Indradeo Prasad, SC-27
Mr. Sunil Kumar Singh, AC to SC-27
For the Respondent-AG : Mr. Kameshwar Prasad Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-08-2017

This writ petition has been filed by the petitioner for
issuance of a writ in the nature of mandamus commanding the
respondent authorities to revise the pension of his father with effect
from 01.01.1996 in view of the Finance Department Resolution
No.11558 dated 22.12.1999 after granting notional pay in the pay
scale with effect from 01.01.1996 and pay the differences of arrear
of pension with effect from 01.01.1996. The petitioner has also



prayed for a direction to the respondent authorities to revise the pension of the father of the petitioner with effect from 01.01.2006 in view of the Finance Department Resolution No.137 of 2008 dated 23.09.2009 on the basis of the revision made with effect from 01.01.1996 pursuant to the Finance Department Resolution No.11558 dated 22.12.1999 and pay the differences of arrear of pension.

2. It is submitted by the learned counsel for the petitioner that though the entire grievances of the petitioner have been redressed, the Authority has been issued by the office of the Accountant General, Bihar, Patna in the name of mother of the petitioner, who has pre-deceased his father. He has submitted that in view of the Authority having been issued in the name of Smt. Mohar Devi, mother of the petitioner, the due payment is not being made to the petitioner.

3. On the other hand, learned counsel appearing for the Accountant General has submitted that the office of the Accountant General has revised the pension and family pension in accordance with sanction order received from the sanctioning authority and, if any, further modification in the Authority is required, the petitioner may first represent before the sanctioning authority.



4. On the other hand, learned counsel for the State has submitted that a proper information in this regard had to be made by the petitioner to the authorities and only then, it could be verified as to whether the petitioner is the only legal heir of the deceased as also the fact that the mother of the petitioner has pre-deceased his father. He has submitted that since no information in this regard was given by the petitioner, the office of the Accountant General has issued the Authority in the name of mother of the petitioner whose name finds place in the Pension Payment Order.

5. In view of the submissions made above and keeping in mind the nature of the relief sought for, the writ petition is disposed of with a direction to the petitioner to make representation before the respondent nos.3, 5 and 6 within three weeks from today. In case of filing of such representation, the respondents concerned shall be required to take necessary steps in order to settle the claim of the petitioner in accordance with law expeditiously, preferably within a period of three months.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.08.2017
Transmission Date	NA

