

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3569 of 2016

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Devta Pd. Singh, S/o Late Lal Bahadur Singh, Resident of Village- Rauta, P.O-
Rauta, P.S.- Sorbazar, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. Finance Commissioner, Bihar, Patna.
3. Accountant General, Bihar, Patna.
4. Collector, Saharsa.
5. Treasury Officer, Saharsa.
6. Chief Manager, Central Pension Processing Centre, Judges Court Road, Anta
Ghat, Patna.
7. Chief Manager, S.B.I., Main Branch, Saharsa.
8. District Programme Officer, District- Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner	:	Mrs. Mallika Mazumdar, Advocate
For the State	:	Mr. Rishi Raj Sinha, SC-19
		Mrs. Archana Prasad, AC to SC-19
For A.G. Bihar	:	Mr. Kumar Priya Ranjan, Advocate
For State Bank of India	:	Mr. Anjani Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date: 10-08-2017

Heard Mrs. Mallika Mazumdar, learned counsel
for the petitioner, Mr Rishi Raj Sinha, SC-19, learned counsel for the
State, Mr. Kumar Priya Ranjan, learned counsel for Accountant
General and Mr. Anjani Kumar Sinha, learned counsel for State Bank
of India.

The present writ application has been filed for
payment of arrears of pension for the period 01.05.2003 to
31.10.2006. The petitioner retired from the post of Assistant Teacher



and on retirement, PPO and GPO were issued to the Treasury Officer, Saharsa, but unfortunately the petitioner could not withdraw the amount of arrears of pension, hence, the sanction of payment of gratuity and pension has to be revalidated as per Treasury Code.

Counter affidavit has been filed on behalf of respondent no. 8, District Programme Officer, Saharsa stipulating therein that the petitioner retired in April, 2003 and after retirement the retiral benefit was paid, but due to the own slackness of the petitioner the amount of pension and gratuity amounting to Rs.2,43,552/-, effective from 01.05.2003 to 21.10.2006 has not been withdrawn in spite of sanction by A.G. Bihar. Since the amount sanctioned by the A.G., Bihar, Patna could not be withdrawn, hence, the question of revalidation of authority issued by A.G., Bihar, arose in terms of Bihar Treasury Code. After receiving a communication from Treasury Officer, Saharsa vide letter No. 734 dated 25.11.2015, respondent no. 8, District Programme Officer, Saharsa issued fresh sanction vide order dated 09.01.2016 in favour of the petitioner, as contained in Annexure-A series to the counter affidavit. Since fresh sanction order has been issued and communicated to respondent no. 3, A.G., Bihar, Patna, it is now the responsibility of the petitioner to receive the amount from Treasury Officer, Saharsa.

Counsel for the petitioner prays for disposal of



the writ application with a direction to respondent no. 5, Treasury Officer, Saharsa to make payment of the said amount, as has been communicated.

It is expected from respondent no. 5, Treasury Officer, Saharsa to make the due payment of the petitioner within a period of four weeks from the date of receipt/production of a copy of this order.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2017
Transmission Date	NA

