

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13101 of 2015

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Shiva Nand Thakur @ Shiva Nandan Thakur S/o Late Chhataki Thakur R/o
village - Rajgangapur, P.O. + P.S. Sultanganj, District - Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Principal Secretary, Finance Department Govt. of Bihar, Patna
4. The Chief Engineer, Bhagalpur, Water Resources Department, Bhagalpur
5. The Superintending Engineer, Design Circle, Bhagalpur
6. The Executive Engineer, Ganga Pump Canal Division No. 2, Bateshwar Asthan, Shivir, Shiv Narayanpur, District - Bhagalpur
7. The Accountant General, Bihar, Patna.
8. The Treasury Officer, Bhagalpur, District - Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shaeda Nand Mishra
For the Respondent/ No.7: Mr. Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

4 19-08-2017 The core issue is whether the petitioner ever gave his option as to the date from which he would be entitled for increment.

The respondents in the counter affidavit have categorically denied receipt of any kind of option. In Annexure-2 on which reliance is being placed by the petitioner saying it to be his option does not instill or inspire confidence in this Court because it does not show any kind of receipt by any authority.

In view of the above, the Court is not willing to pass any order altering the fixation of pension etc. However, if the petitioner can establish the fact or factum of the option through



unimpeachable evidence there could be an occasion to reconsider the issue by the Accountant General.

So far as recovery is concerned, the recovered amount can be returned to the petitioner if he succeeds in establishing the first part of the assertion made so far with regard to option.

Writ application stands disposed of in terms of the above.

(Ajay Kumar Tripathi, J)

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