

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9281 of 2017

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Basuki Nand Rai son of Late Sukhdeo Rai, resident of village-Buddhuchak Road,
Barmasiya, Police Station-Muffasil in the District of Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Government of Bihar, Patna.
2. The Principle Secretary, Department of Education, Government of Bihar, Patna.
3. The District Manager, Katihar.
4. The District Programme Officer, (Establishment), Katihar.
5. The Block Education Officer, Katihar.
6. The Head Master, Middle School, Mirchaibari, Katihar-cum-Drawing Disbursing
Officer.
7. The Head Master, Government Middle School, Katihar.
8. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Navin Sharma, Advocate
: Mr. Shushant Kumar, Advocate
For the Accountant General : Ms. Nivedita Nirvikar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 19-08-2017

In the present writ application the case of the petitioner is
that he was initially appointed as Assistant Teacher, Primary School,
Hajipur, Katihar where he joined on 01.02.1988. After serving in
different schools on transfer, he was lastly transferred to Government
Middle School, Katihar and joined there on 06.02.2012. While he was
posted there, he applied for voluntary retirement on 07.06.2016, as he



was suffering from cancer and became unable to perform his duties. By order dated 30.07.2016, passed by the District Programme Officer (Establishment), Katihar, he was permitted to retire with effect from 31.07.2016.

2. The contention of the learned counsel for the petitioner is that till date neither pension of the petitioner has been fixed nor he is being paid his provisional pension. He has submitted that so far as other post retiral benefits are concerned, they have already been paid to the petitioner.

3. Though no counter has been filed, learned counsel for the State has submitted that the writ petition may be disposed of with a direction to the respondents to examine the claim of the petitioner and pass necessary orders in accordance with law in respect of payment of pension.

4. Having regard to the nature of the claim and the submissions made on behalf of the parties, the writ petition is disposed of with a direction to the petitioner to file a representation before the District Programme Officer (Establishment), Katihar (respondent no.4) within four weeks from today raising his claim for pension. In case of filing of such application, the respondent no.4 shall examine the same and pass a reasoned and speaking order within a period of one month. In case the claim of the petitioner is found



admissible, payment of current and arrears of pension must be made within two months. In case of any adverse order, the respondent no.4 must communicate the same to the petitioner on his postal address.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
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