IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2066 of 2014

==

Dr. Gauri Shankar Prasad, Son of Late Sukhdeo Narayan, Resident of Village- Deogan, P.O. & P.S.- Kurhani, District- Muzaffarpur (Bihar) at present residing at Mohalla- Chesire Home Road, Bariatu, Ranchi, P.O. & P.S.- Bariatu, District- Ranchi, Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Animal Husbandry & Fisheries Resources, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
2. The Secretary, Department of Animal Husbandry & Fisheries Resources, Government of Bihar, Vikash Bhawan, New Secretariat, Patna.
3. The Accountant General (A & E), Bihar, Patna.

.... Respondent/s

==

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

==

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 28-06-2018

Heard learned counsel for the petitioner and State.

2. The petitioner has moved the Court for the following reliefs:

> *(a) For issuance of an appropriate writ(s)/order(s)/direction(s) particularly a writ in the nature of mandamus commanding upon the respondent particularly respondent no. 3, the Accountant General, Bihar, Patna to*

> *re-calculate and re-fix the pension of the petitioner from the date of his superannuation i.e., 31.12.1996 after giving the benefit/effect of 5^{th} Pay Revision, which came into effect on 01.01.1996 in view of the fact that the petitioner has not been granted such benefit.*
>
> *(b) For issuance of an appropriate writ(s)/order(s)/direction(s), particularly a writ in the nature of mandamus commanding upon the respondents particularly respondent no. 3 to issue authority slip for full pension from the date of retirement i.e. 31.12.1996 till 12.04.2006 and make payment thereof after deducting the amount of pension already paid to the petitioner.*
>
> *(c) For issuance of any other appropriate writ(s)/order(s)/direction(s) upon the authority concerned in the facts and circumstances of the case for doing conscionable justice to the petitioner."*

3. At the very outset, learned counsel for the petitioner submitted that he is restricting his claim in terms of the relief he is entitled to as per the Division Bench order of the Court dated 17.09.2010 in L.P.A. No. 1393 of 2010, where the authorities of the State of Bihar were directed to sanction and pay the dues of provisional pension to the appellant at the appropriate admissible rate as per its circular for the period after 31.12.1996 till 12.04.2006. Learned counsel submitted that in view of the stand taken in the supplementary counter affidavit filed on behalf of the Accountant General in paragraph no. 3, stating that 90% provisional pension has

been authorized in old scale and in revised scale admissible as per 5th PRC, he may be permitted to withdraw the writ petition.

4. Having regard to the aforesaid, the writ petition stands disposed off as withdrawn.

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
U	