

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15054 of 2016

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1. Lalit Narayan Sinha, S/o Late Prashidh Narayan Sinha.
 2. Subhash Chandra Mandilwar, S/o Late Prashidh Narayan Sinha.
 3. Jitendra Kumar Sinha, S/o Late Prashidh Narayan Sinha.
 4. Vikash Chandra Mandilwar, S/o Late Prashidh Narayan Sinha.
 5. Anjani Kumar Sinha, S/o Late Prashidh Narayan Sinha.
 6. Mani Bhushan Kumar Sinha, S/o Late Prashidh Narayan Sinha.
 7. Deepak Kumar Sinha, S/o Late Prashidh Narayan Sinha.
 8. Ranjana Sinha, D/o Late Prashidh Narayan Sinha.
 9. Archana Sinha, D/o Late Prashidh Narayan Sinha. All are resident of Village- Barutta, P.S. and District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Inspector General (I.G.), Department of Registration, Government of Bihar, Patna.
3. The Principal Secretary, Department of Registration, Government of Bihar, Patna.
4. The District Magistrate cum District Registrar, Jamui.
5. The District Sub-Registrar, Jamui.
6. The District Accounts Officer, Jamui.
7. The Treasury Officer, Jamui.
8. The Accountant General, Bihar, Patna.
9. The Branch Manager, Allahabad Bank, Branch Office, Agahara, P.S. & District- Baruatta.

.... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Sinha, Advocate
For the State	:	Mr. Anil Kumar Sinha, G.A. 1
For the A.G.	:	Mr. Kumar Priya Ranjan and Mr. Niraj Kumar, Advocates
For the Bank (Respondent no. 9)	:	Mr. Nishi Nath Ojha, Advocate



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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 05-07-2018

Heard learned counsel for the petitioners; State;
Accountant General and Allahabad Bank.

2. The original petitioner, Shanti Devi had moved the
Court for the following reliefs:

“(i) For a direction to the respondent to count/compute the period since 1950 to 1971 as length of service of her husband for the purpose of pensionary benefit as per decision taken by the Govt. under Rule 203 of the Bihar Pension Rules as well as per several order passed by this Hon’ble court.

(ii) Further for a direction to the respondent to pay the all differences amount of pension, family pension and other admissible head like gratuity, computation amount along with Bank interest.

(iii) For further direction to grant the benefit of 1st, 2nd and 3rd time bond promotion with all benefits.

(iv) To grant any other relief/reliefs for which the petitioner is entitled to get in the eye of law?”

3. Due to her death during the pendency of the writ petition, she has been substituted by nine heirs who are the present petitioners. During the pendency of the writ petition, certain developments have taken place. Based on the same, learned counsel for the State submitted that the basic grievance that the service period of the employee be counted from 1950, for the purposes of



determining the post retiral benefits, has in principle been accepted by the authorities and, thus, in view of the stand that prior to that, the services would be counted only from 1971, in light of the decision taken, the entire period from 1950 in continuity shall now be reckoned for payment of retiral benefits. Learned counsel further submitted that the necessary sanction order has been forwarded to the Accountant General on 15.02.2018, but because of there being certain queries from the Accountant General, which have now been met on 04.07.2018, and the Department has communicated to the Accountant General clarifying all those objections.

4. Learned counsel for the Accountant General submitted that within two weeks from the date of receipt of a copy of the sanction order dated 04.07.2018, authority shall be issued. Learned counsel for the State submitted that it shall be ensured that if the order has not yet reached the Accountant General, the same shall be sent latest within one week. Upon the authority being issued in favour of petitioner no. 4, by the Accountant General, the respondent no. 9 shall ensure that actual payment is credited into the account of the petitioner no. 4.

5. For the purposes of convenience, let the petitioners serve copy of the order on the respondents no. 5 to 10.

6. The writ petition stands allowed in the aforementioned



terms.

7. The Court would only indicate here that upon the petitioner no. 4 receiving the authority in his favour, he shall appear before the respondent no. 6 and complete the formalities within one week. After completing of the formalities, the respondent no. 6 shall ensure that actual payment is credited into his account within two weeks thereafter.

(Ahsanuddin Amanullah, J.)

P. Kumar

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