

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3674 of 2017

In

Civil Writ Jurisdiction Case No. 3701 of 2013

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Krishan Prasad Singh

.... Petitioner/s

Versus

The Union of India & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishore
Mr. Rishikesh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR

SRIVASTAVA

ORAL ORDER

27 03-10-2018

Heard learned counsel for the petitioner as well as

learned counsel for the opposite parties.

The petitioner is aggrieved due to non compliance of order dated 26.03.2014 passed by this Court in CWJC No. 3701 of 2013.

The order dated 26.03.2014 passed in CWJC No. 3701 of 2013 goes to show that this Court directed the opposite parties to recalculate the family pension of the petitioner and this Court also granted liberty to the petitioner to file representation before the Senior Communication Accounts Officer, if he is not satisfied with the calculation of his family pension in the light of 5th pay revision and, furthermore, the Senior Communication Accounts Officer (respondent no. 6) was directed to recalculate



the family pension of the petitioner in the light of 5th pay revision and if the calculation made by the petitioner is found genuine, the family pension of the petitioner must be paid and, furthermore, the concerned respondent no. 3 directed to grant the benefit of 6th pay revision to the petitioner, if he was found entitled for the same.

The record goes to show that the petitioner filed MJC No. 3418 of 2014 when the concerned opposite parties failed to comply with the order of this court. However, the aforesaid MJC No. 3418 of 2014 was disposed of by this Court vide order dated 16.09.2015, taking note of this fact that the petitioner admitted before this Court that his grievance has already been redressed except calculation of 5th pay revision which has not properly been done and for proper calculation, he has already represented before appropriate authority. However, this Court while disposing of MJC No. 3418 of 2014 directed the concerned opposite parties to pass appropriate order on the representation of the petitioner in respect of 5th pay revision in accordance with rules.

Learned counsel appearing for the petitioner submits that the opposite parties have not properly calculated the family pension in the light of 5th pay revision but learned counsel for the opposite parties submits that Annexure- R/1 of the show cause



clearly shows that the grievance of the petitioner was redressed and an opportunity was given to the petitioner to visit the concerned officer personally with advance notice, if he fails to understand the calculation made by the department.

Although, learned counsel appearing for the petitioner submits that petitioner has approached several time to the opposite parties but proper calculation of 5th pay revision has not been done. However, there is nothing on the record to show that after letter dated 04.07.2017, this petitioner had visited to the concerned department for redressal of his grievance.

Learned counsel appearing for the petitioner seeks adjournment so that he could direct the petitioner to visit the concerned official in the light of letter dated 04.07.2017.

Learned counsel appearing for the opposite parties submits that since the direction of this Court has already been complied with there is no need to keep his petition pending and if the petitioner is not satisfied with the calculation made by the concerned department, the petitioner may file fresh representation against the calculation made by the concerned department. Annexure- R/1 dated 04.08.2017 fortifies the submission of learned counsel for the opposite parties and it is obvious from perusal of the aforesaid document that the concerned department



has informed the petitioner that calculation made by the department in respect of 5th and 6th pay revision was in order and there was no requirement for further pay revision and, furthermore, an opportunity was given to the petitioner to consult with the appropriate authority for redressal of his grievance. Therefore, in my view, learned counsel appearing for the opposite parties rightly submitted that there is no need to keep this matter pending.

Accordingly, this petition stands dismissed with liberty to the petitioner to visit the concerned office within six weeks and proper steps in the light of letter dated 04.07.2017 of the concerned department. However, it is also made clear that if the petitioner feels dissatisfied with the calculation made by the concerned department as well as reasons given in letter dated 04.07.2017, he may file fresh representation before the appropriate authority for redressal of his grievance and he does so, the concerned authority shall pass appropriate order on the representation of the petitioner in accordance with rules within four weeks from the date of filing representation petition.

(Hemant Kumar Srivastava, J)

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