IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17004 of 2018

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Dr. Dwijendra Narain Singh son of Late Surendra Narain Singh Resident of Mohalla - Flat No. B 201, Char Minar Apartment, Rajendra Nagar, Patna, Road No. 12, P.S. Kadam Kuan, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Science and Technology, Government of Bihar, Patna.
3. The Director, Department of Science and Technology, Government of Bihar, Patna.
4. The Additional Secretary, Department of Science and Technology, Government of Bihar, Patna.
5. The Special Secretary, Department of Science and Technology, Government of Bihar, Patna.
6. The Accountant General, Bihar, Birchand Patel Path, Patna.
7. The Treasury Officer, Secretariate Treasury Nirman Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ratan Kumar with Mr. Prabhat Kumar Singh, Advocates
For the State	:	Mr. Prabhat Ranjan, AC to GP 6
For the Accountant General	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 22-11-2018

Heard learned counsel for the petitioner; State and Accountant General.

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

" (i) For quashing the impugned order passed by the Accountant General, Bihar, Patna i.e. Respondent no. 6 vide his letter no. Pen/Punrikshan 11/PEN 280618110-623/2016 11111014PI dated 12.07.2018 whereby and whereunder pension of the petitioner has been

> *revised with effect from 01.02.2016 from his earlier fixed pension of Rs. 38, 000/- to 35, 230/.*
>
> *(ii) For issuance of any other writ/writs, order/orders to which the petitioner is found to be entitled."*

3. The petitioner was an employee of the Government of Bihar from 2006 and thereafter returned to the State of Bihar on 03.12.2012 and superannuated on 31.01.2016. Initially, upon his superannuation, he was granted pensionary benefits on the basis of the last pay being drawn by him. However, it transpired later on that when the petitioner came from the State of Jharkhand where he was on deputation from the year 2016, he was drawing excess of his entitlement of increment. The same was detected by the Accountant General later on as initially it had granted him provisional pension, but upon communication with the State Government and the State Government also accepting that there was excess payment made to the petitioner, his pension has been revised which is under challenge in the present writ application.

4. From the pleadings and materials on record, the Court finds that the question of entitlement of the correct pay scale of the petitioner cannot be gone into in the present writ application. Further, there is nothing on record to show that the petitioner was entitled to extra increment which he received on the basis of self certification

made by him when he was Principal in the State of Jharkhand.

5. Be that as it may, the petitioner would be required to get the matter adjudicated with regard to his entitlement of extra increment which he took himself being Principal in the State of Jharkhand and which upon his coming to State of Bihar continued without the authorities detecting it. However, once the same has been detected, the Court would not pass any direction of restoring the pension of the petitioner based on such higher drawn salary, as has been alleged both by the State and the Accountant General.

6. For the reasons aforesaid, the writ petition stands disposed off with liberty to the petitioner to assail such reduction before the appropriate forum, in accordance with law.

7. Interlocutory Application filed in the writ petition also stands disposed off.

8. However, the Court directs that the State Government should finally come out with it stand and send the sanction order to the Accountant General as per its stand within one month from today so that the petitioner may be able to take steps, as may be required, before the appropriate forum , in accordance with law.

(Ahsanuddin Amanullah, J)

Anjani/-

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