

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1945 of 2019

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Prem Chandra Pandey, retired Additional District Judge, Sasaram, aged 61 years (Male), son of Sri Devi Prasad Pandey resident of Mohalla Saidanpur Shiv Puram Colony, Sector- II, P.O. Muradganj, P.S. Line Bazar, District-Jounpur (U.P).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Law, Patna.
2. The Principal Secretary, Law Department, Govt. of Bihar, Old Secretariat, Patna.
3. The High Court of Judicature at Patna through the Registrar General, Patna.
4. The Secretary to Govt., General Administration Department, Bihar, Patna.
5. The Accountant General (A & E) Veerchand Patel Path, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Jha, Advocate Mr. Shailendra Kumar Jha, Advocate
For Respondent No. 1	:	Mr. Gyan Prakash Ojha (GA-7)
For Respondent No. 3	:	Mr. Mrigank Mauli, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-02-2019

Heard learned counsel for the petitioner.

The petitioner claims his entitlement to pension in view of the notification of the Finance Department dated 28th December, 2011 contending that he has to receive pension at the rate of 50 per cent of the last pay-scale in which he was paid salary at the time of his retirement. For this, the petitioner has relied on the salary details in the pension papers where it is indicated that the emolument for pension is Rs. 55,240/- but the pension amount has been calculated which is less than 50 per



cent and is Rs. 22,787/-. The short grievance is that this shortage depicted in the calculation is not in accordance with the notification of the Finance Department dated 28th December, 2011.

Having considered the submissions raised, no fruitful purpose would be served by keeping the matter pending and, therefore, we dispose of this writ petition with a direction to the first respondent to consider the grievance of the petitioner and after collecting information from all relevant sources intimate the petitioner about the status of the rate of the pension as admissible to the petitioner in accordance with the rules by passing a reasoned and speaking order, preferably within a period of three months from the date of production of certified copy of this order before him.

The writ petition stands disposed of accordingly.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-Jagdish

AFR/NAFR	
CAV DATE	
Uploading Date	05.02.2019
Transmission Date	

