

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8875 of 2015

Purn Chandra Srivastava

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Tuhin Shankar
For the State	:	Mr.Manoj Kumar, AC to GP 4

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 11-09-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Issue raised by counsel for the petitioner is that last pay drawn by the petitioner was Rs 7950/- which includes benefit of RPP granted to the petitioner at the time of fixation of his scale as per recommendation of 5th Pay Recommendation Committee. Last pay drawn has to be basis of pensionary benefits to the petitioner.

It is submitted by counsel for the petitioner that by ignoring element of RPP which was included in the last pay drawn, authorities have fixed pension while considering his salary at the time of retirement to be Rs 7580/-.

Counsel for the State submits that issue will be verified by the Superintending Engineer, Road Construction Department (respondent no.5).



It is trite law that pensionary benefits should be fixed on the last pay drawn by the government employee. Petitioner's pensionary benefits therefore, are required to be fixed as per last pay drawn which petitioner asserts to be Rs 7950/- on the basis of annexure 5 to the writ petition issued by the office of the Superintending Engineer, Road Construction Department, North Bihar Road Circle, Muzaffarpur (respondent no.5).

Respondent no.5 should therefore, verify fixation of pensionary benefits of the petitioner and if the same has been done ignoring last pay drawn inclusive of RPP, petitioner would be entitled to re-fixation of pensionary benefits and grant of arrears as a consequence of such redetermination. Respondent no.5 should consider this matter and pass final order in this respect under due intimation to the petitioner within three months from the date of receipt/production of a copy of this order.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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