

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2253 of 2015

In
Civil Writ Jurisdiction Case No.17675 of 2012

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Mahesh Ram Son of Hiranman Ram Resident of Village- Piparadih, P.S
Aurangabad, District Gaya, at present Quarter No. 9, Dhanmanatri Chhatravas
Karmchari Quarter Medical College and Hospital, Patna, P.S – Pirbahore,
District Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. Director General of Police, Home Guard, Chhajjubagh, Bihar, Patna.
3. Deputy Inspector General, Home Guard Chhajjubagh Bihar, Patna.
4. Commandant, Head Quarter, Bihar Home Guard, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. S.K.Singh, Sr. Adv. Mr. Pawan Kumar Singh, Adv.
For the Respondent/s	:	Mr. R.R.K. Pandey, S.C.29

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 08-07-2019

Heard Mr. S.K. Singh, learned Senior counsel for
the appellant- petitioner and Mr. Sakib Ajaz, A.C. to AAG 13
for the State.

It is feeling aggrieved by the judgment and order
dated 06.01.2014 of a learned Single Judge passed in C.W.J.C.
No. 17675 of 2012 whereby the learned Single Judge without
interfering with the decision of the respondent to superannuate
the petitioner with effect from 30.04.2005 has reserved his right
to draw salary for the period during which work was taken from



the petitioner by the respondents, that he is before this Court.

Pleadings on record would confirm that it is following some doubts as regarding the date of birth of the appellant- writ petitioner that a proceeding was initiated and which culminated in an order dated 14.09.2011 of the Commandant, Bihar Home Guards, Patna whereby the petitioner was superannuated with effect from 30.04.2005. The records also do confirm that the petitioner continued until August, 2011 and his right to draw salary for the said period remains protected under the orders of the learned Single Judge.

To this extent we find no reason to interfere with with the order passed on the writ petition but what is submitted by learned Senior counsel is that even after having superannuated the petitioner vide order impugned in the writ petition dated 14.09.2011 issued under the signature of the Commandant, the petitioner is yet to receive his superannuation benefits.

In our opinion, since the order put to challenge does not effect the superannuation claim of the petitioner, it cannot be interfered with but while observing thus we are also not posted with the fact as to whether, the petitioner has completed his part of obligation for drawing such benefit by



submitting his papers etc. We thus leave it open for the petitioner to approach the concerned authorities with his claim for superannuation benefits and which would be considered and disposed of in accordance with law by the authority concerned and bearing note of the fact that the matter relates to superannuation benefits, let the same be disposed of within 3 months of filing of such representation.

With the observations above, we dispose of this appeal.

(Jyoti Saran, J)

(Partha Sarthy, J)

Bibhash

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