IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 4703 of 2018
Arising out of
Civil Writ Jurisdiction Case No. 3040 of 2013

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Lalit Kumar, Son of Late Ranbir Prasad Singh, Resident of Village-Barwan, P.O.-Barwan, P.S.-Guraru, District-Gaya, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. Sri M.K. Mallik the Commissioner of Excise (Government of Bihar, Department of Excise), Vikash Bhawan, New Secretariat, Patna-800001.
3. Sri Arti Prasad Superintendent of Excise Aurangabad, District-Aurangabad.
4. Ms Mani K. the Accountant General, Government of Bihar, Patna-800001.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Lalit Kishore AG

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 16-09-2019

Heard learned counsel for the petitioner; Mr. Lalit Kishore, learned Advocate General on behalf of the State and learned counsel for the Accountant General.

2. Pursuant to order dated 28.08.2019, the Excise Commissioner, Government of Bihar is present and has filed his show cause. The reason why he was called is recorded in the order dated 28.08.2019.

3. From the show cause filed, it transpires that actual payment to the petitioner has also been credited into his account under revised Pension Payment Order 201111142804. The further

stand is that since the petitioner had not passed the departmental examination, he is not entitled to get benefit under the ACP scheme.

4. Having considered the matter, the Court finds that the only anxiety of the Court was that whatever had been sanctioned to the petitioner was actually credited into his account. From the stand taken today in the show cause, the Court finds that the petitioner having been actually paid the revised pension, the authorities have complied with the order of the Court and with regard to ACP, there being no specific direction, the same cannot be considered in the present proceeding.

5. In view thereof, the application stands disposed off.

6. Personal appearance of the officer also stands dispensed with.

7. At this juncture, learned counsel for the petitioner submitted that actual payment has still not been made which is disputed on behalf of the State and the stand is that every month the pension is being credited.

8. Be that as it may, as the PPO has been issued and the officer is also present in Court along with learned Advocate General, the Court would only observe that if the petitioner brings this fact to the notice of the Excise Commissioner, Government of

Bihar, he shall ensure that actual payment, if already not made, is credited into the account of the petitioner within two weeks in terms of the PPO indicated above.

(Ahsanuddin Amanullah, J.)

P. Kumar

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