

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18535 of 2017

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Ram Dayal Bhakt, Son of Sri Jagdish Bhakta, resident of Village- Pengwara
Pachrukhee, P.S.- Pachrukhee, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Agriculture Department,
Government of Bihar.
2. Director, Agriculture Department, Government of Bihar, Patna.
3. Assistant Seed Testing Officer, Bhagalpur.
4. Accountant General of Bihar, Patna.
5. Commission Finance, State Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Vijay Krishna Tiwary, Advocate
For the Respondent/s	: Mr. Raghwanand, Advocate
For the Accountant General	: Mr. Namrata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 28-05-2020

The matter has been heard *via* video conferencing due to
lockdown imposed on account of the COVID-19 pandemic.

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

3. Learned counsel for the petitioner submitted that the
statutory provision relating to date of superannuation being
reckoned on the basis of the last day of month in which a person is



born for those who are born on 2nd or thereafter of the month whereas for persons who are born on the 1st of the month,, it is the end of the previous month, is discriminatory. Learned counsel submitted that the petitioner was born on 1st of January, 1956, but because of such statutory provision, he is deemed to have retired on 31.12.2015 and, thus, is being denied the benefit of the 7th Pay Revision as it has come to effect from 1st January, 2016.

4. Learned counsel for the State submitted that as the law stands, the Government has accepted in principle to implement the recommendation of the 7th Pay Revision Commission with effect from 1st of January, 2016 and actual payments have been permitted from 1st of April, 2017 and the petitioner having superannuated a day prior to that, is not entitled to either notional or actual benefit.

5. Faced with the situation, learned counsel for the petitioner sought permission to challenge such statutory provision which, according to him violates Article 14 of the Constitution of India.

6. Be that as it may, since in the present proceeding, such issue cannot be gone into, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate



forum, in a duly constituted proceeding, in accordance with law
with regard to such grievance.

(Ahsanuddin Amanullah, J.)

P. Kumar / Anand Kr.

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