

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14689 of 2018

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Mahendra Prasad S/o Late Gopaljee Sahay R/o-Village and P.O.-Belaur Via Kasap, District-Bhojpur Presently residing at New Shital Tola, Back of Bus Stand, near Sanjay Gandhi School, P.s.-Ashnawada Bhojpur-802301, was Working as Lecturer, District Institute of Education and Training, DIET Dumrao, Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resource Development, Bihar, Patna.
2. The Secretary, Department of Education, Bihar, Patna
3. The Director, Primary Education, Department of Human Resource Development, Bihar, Patna.
4. The Director (Research and Training), Department of Human Resources Development, Bihar, Patna.
5. The Deputy Director, Primary Education, department of Human Resource Development, Bihar, Patna.
6. The District Magistrate, Buxar.
7. The In-Charge Principal, District Institute of Education and Training, Dumrao, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Manoj, Advocate.
For the Respondent/s : Smt. Binita Singh - Sc28

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

9 20-10-2020 Heard the parties in virtual Court.

The petitioner has sought for direction of the Court to the respondents for payment of retiral dues including arrears of pension from February, 2018, Gratuity, Group Insurance, Leave Encashment and General Provident Fund amount with statutory interest.

The petitioner retired on 31.01.2018 from the post of



Lecturer, District Institute of Education and Training, Dumrao,
Buxar.

Respondents in their counter affidavit made detailed statement that 90% of the pension has already been paid to the petitioner and other dues have also been paid to the petitioner. Thereafter, in reply to the counter affidavit, petitioner raised issue that vide Annexure-P4 the Principal, District Education and Training Institute, Dumrao, Buxar has calculated the pension of the petitioner on amount of Rs.55,200, however the District Account Officer reduced it to Rs.53,600/-.

Learned counsel for the State-respondents submits that only the Account Office is competent to decide the pension and the same has been decided taking into note the last pay drawn by the petitioner. Evidently, aforesaid matter is dispute of calculation. Nothing is on the record to substantiate as to what the petitioner had actually last drawn.

Since the main grievance of the petitioner has already been redressed, this writ application stands disposed of with liberty to the petitioner to file representation before the competent authority for calculation of the amount on which the pension ought to be fixed along with the supporting documents of his last pay drawn and the competent authority shall take



appropriate decision according to law. The writ court cannot go into the disputed question of fact.

(Birendra Kumar, J)

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