

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9057 of 2019

=====

Ramchandra Jha, Son of late Jateshwar Jha Resident of Village Hanuman
Nagar Bedaul, P.O. Dadri, P.S. Nanpur, District Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Finance,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar,
Patna.
3. The Secretary-cum-Legal Remembrance, Department of Law, Government
of Bihar.
4. The Registrar General, High Court of Judicature at Patna.
5. The District and Sessions Judge, Sitamarhi.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Kumar Kaushik Mr. Amit Kumar Jha
For the Respondent/s	:	Mr.Sarvesh Kumar (Gp24) Mr. Anuj Kumar, AC to GP-24
For Accountant General	:	Mr. Mani Kant Mishra
For the Patna High Court:	:	Mr. Satyabir Bharti

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-06-2020 Heard learned counsel for the petitioner and the
respondents.

2. The petitioner superannuated on 31.12.1990 as
Accountant (Saristedar) from Civil Court, Sitamarhi.

3. The petitioner, who is 88 years of age, has filed the
present writ application with a grievance that his post-retiral
dues has not been properly calculated and paid and petitioner
has been discriminated in the matter of pension revision and
payment thereof.



4. Initially, at the time of retirement, the petitioner should have been granted the benefit of post-retiral dues on the basis of the last salary drawn by the petitioner. The petitioner was drawing salary in the pay scale of Rs.1500-2750/- as Rs. 2390/-, instead of fixed pension at average ten months salary of Rs.2390/-. The pension was fixed as Rs. 1165/- on the basis of average calculation of ten months salary of Rs.2330/-. The mistake was perpetuated, even during 5th and 6th Pay Revision.

5. Learned counsel for the petitioner submits that the pension of the petitioner should have been revised on the basis of pay scale admissible to the Seristedar of Civil Court in 5th and 6th Pay Revision Commission. He further submits that in the case of similarly circumstanced Seristedars, correction has been made and they have been granted the benefit, but the petitioner's case has not been considered. He placed reliance on Annexures- 6 and 7.

6. Counsel appearing on behalf of the State submits that the petitioner's claim should be considered in terms of the resolution of the State Government where the pension has been granted in revised scale on account of pay revision and State has no objection to the revision of pension to the petitioner in terms of resolution of the State Government.

7. Mr. Manikant Mishra, learned counsel submits that



the Accountant General has no difficulty in revising the pension of the petitioner on the basis of pay scale the petitioner was drawing and the status he was holding at the time of superannuation as Seristedar in pay scale of 1500-2750/-. The claim of the petitioner for revision of pension in 5th, 6th and 7th pay revision commission shall be examined and appropriately decided on the basis of his entitlement in the pay scale as the petitioner superannuated as Seristedar in 1990 in pay scale of Rs.1500-2750/- at Rs. 2390/- per months. Mr. Satyabir Bharti would submit that necessary correction is required to be done by Accountant General, Bihar.

8. Parties are in agreement on principle that the pension is admissible on the basis of status and pay scale of an individual at the time of superannuation and corresponding revision of pension is admissible on the basis of revision of pay of the post of an incumbent.

9. Considering the aforesaid, the writ application is disposed of with a direction to the respondents to revise the pension of the petitioner on the basis of his entitlement as indicated hereinabove and grant all consequential benefits to him at the earliest, having regard the age of the petitioner.

10. Necessary correction as well as the monetary benefit must reach the petitioner at the earliest, preferably



within a period of three months from the date of receipt/production of a copy of this order.

11. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

