

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.4320 of 2017**

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Bipin Bihari Singh S/o Late Krishna Prasad Singh, C/o Sri Pankaj Sinha,
resident of Mohalla - Subhash Nagar, Ashram Road, Purnea, P.S. K. Hat,
District - Purnea

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare Department, Bihar.
2. The Special Secretary, Social Welfare Department, Bihar, Patna
3. The Deputy Secretary, Social Welfare Department, Bihar, Patna
4. Joint Secretary, Social Welfare Department, Bihar, Patna
5. The Collector, Gopalganj
6. The Joint Secretary, Labour Employment and Training Department, Bihar, Patna
7. The Accountant General, Bihar, Patna

... .. Respondent

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Respondent/s : Mr. Krishna Kant Singh, AC to SC 10

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 18-05-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court
proceeding.

Learned counsel for the petitioner and learned counsel
for the State have joined the proceeding through video
conferencing.

The petitioner has moved this writ application for a
direction to the respondent authorities to start and continue making
regular payment of 50% of the pension amount in view of the
notification as contained in Memo No. 5438 which is Annexure



‘22’ to the present writ application.

Learned counsel for the petitioner submits that although the petitioner is aggrieved by Annexure ‘22’ and has filed a separate writ application challenging the same vide C.W.J.C. No. 7208 of 2014 which is pending consideration before this Court, the respondent authorities have no reason not to pay the admissible amount as per their own decision as contained in Annexure ‘22’ to the writ application.

Learned counsel for the petitioner submits that in want of payment of admissible amount, the petitioner is virtually starving and has moved this Court at this stage keeping his objection to Annexure ‘22’ pending and open for consideration, to direct the respondent authorities to make payment of the admissible amount.

Mr. Krishna Kant Singh, learned counsel for the State has, at the outset, submitted that in so far as admissible amount payable to the petitioner is concerned, the respondent authorities should not have any difficulty in paying the admissible amount and to that extent an appropriate direction may be issued.

Having heard learned counsel for the petitioner as well as learned counsel for the State, this Court finds that the petitioner has been seeking only admissible amount due to him by virtue of the decision taken by the respondent authorities as contained in



notification No. 5438 dated 04.11.2013 issued under the signature of the Special Secretary to the Government, Social Welfare Department, Government of Bihar (Annexure '22' to the writ application).

Although the petitioner has challenged the same before this Court in a separate writ application but the fact remains that only because the petitioner has challenged the said notification would not make him disentitle to get the admissible amount which the State authorities have decided to pay him under Annexure '22' to the writ application.

This Court, therefore, directs the respondent nos. 1, 5 and 7 to the writ application to ensure payment of all admissible dues to the petitioner (including the arrears if any) within a period of 60 days from the date of receipt/production of a copy of this order. Such admissible payment made to the petitioner shall be without prejudice to his rights and contentions in the pending writ application being CWJC No. 7208 of 2014.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

