

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.3820 of 2017**

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Sitaram Das Son of Late Mewala Ram, resident of Sri Ram Bhawan,
Goleghar Park Road, P.O. G.P.O., P.S. Gandhi Maidan, Patna

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Saharsa
3. The District Magistrate, Bhagalpur
4. The Senior Deputy Collector Establishment , District - Bhagalpur
5. The Circle Officer, Shahkund, District - Bhagalpur
6. The Circle Officer, Patarghat, District Saharsa
7. The District Provident Fund office, Saharsa
8. The District Treasury Officer, Saharsa

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Zaki Haider, Advocate
For the Respondent/s : Mr.Sajid Salim Khan-SC25

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 18-05-2020 This application has been placed for consideration by

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

proceeding.

Heard Mr. Zaki Haidar, learned counsel for the
petitioner and Mr. Sajid Salim Khan, learned SC 25 for the
State.

During the pendency of the writ application the most
of the retiral dues of the petitioner have been paid and learned
counsel for the petitioner does not have any grievance with
respect to the payment of any other retiral dues save and except



that he has raised an issue with regard to quantum of pension amount fixed by the authorities. A limited grievance of the petitioner is that the pension amount has been fixed in the lower side and it is not commensurate to the last pay drawn by the petitioner.

Learned counsel for the petitioner submits that the authorities concerned be directed to consider his grievance with respect to the quantum of pension payable to the petitioner and for this purpose he may be given an opportunity to represent before the respondent authority namely, the District Magistrate, Saharsa (respondent no. 2) and the respondent no. 2 may be directed to pass a reasoned order on the representation of the petitioner within a time frame.

Learned counsel also submits that the respondent no. 2 may, if so find, send his representation to the Accountant General, Government of Bihar, for appropriate action.

Learned counsel for the State submits that so far as this writ application is concerned, the same has become infructuous inasmuch as all the retiral dues of the petitioner has already been paid and his pension amount has been fixed and the petitioner is getting the payment of the same.

Having heard learned counsel for the petitioner as



well as the State, this Court finds that during the pendency of the writ application the post retiral dues of the petitioner are said to have been paid. Now the limited grievance of the petitioner is with respect to the quantum of pension fixed by the authorities concerned. He is looking for a higher amount of pension and for this reason, learned counsel for the petitioner has sought liberty to make a representation before the respondent no. 2.

Learned counsel for the State has no objection to this extent that the petitioner, if so advised, may submit his representation before the respondent no. 2 for consideration.

This Court, therefore, grants liberty to the petitioner to raise his grievance with respect to the quantum of the pension amount before the respondent no. 2 within a period of 90 days from today. Such representation may be sent along with all documentary proof which may be relevant for consideration and revision of the pension amount of the petitioner. The District Magistrate, Saharsa (respondent no. 2) shall consider the representation of the petitioner within a period of another 90 days and shall pass a reasoned order thereon which will be communicated to the petitioner forthwith.

In case the petitioner is found entitled to a higher



amount of pensionary benefits, the respondent no. 2 shall take all consequential steps to ensure payment of the arrears if any arising out of such revision and the current pension amount at the revised rate within a period of 30 days from passing of his order.

In case the petitioner still remains with any grievance over the decision of the respondent no. '2', it will be open for the petitioner to apply for an appropriate remedy.

This writ application stands disposed of with the aforesaid observations and directions.

(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'.

