

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13532 of 2019

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Biswanath Prasad @ Vishwanath Prasad Son of Late Luchan Ram Resident of
Village- Manakudha, P.O.- Paliganj, P.S.- Khri More, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Inspector General of Police, Government of Bihar, Patna.
4. The Deputy Inspector General of Police, Special Branch, Bihar, Patna.
5. The Superintendent of Police, Special Branch, Bihar, Patna.
6. The Accountant General, Bihar, Patna.
7. The Treasury Officer, Treasury Office, Sinchai Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Samir Kumar, Adv
For the Respondent/s : Mr.Manish Kumar (GP4)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 22-06-2020

Heard learned counsel for the parties.

This application has been filed for issuance of a direction to the respondent-authorities to pay the full pension after petitioner attained voluntary retirement from service on 01.10.1994 and count the service as 20 years of the basis of his service for 19 years 1 month and further to pay the gratuity and other retirement benefits to the petitioner.



Counter affidavit has been filed on behalf of respondent nos. 4 and 5 in which it has been stated that petitioner had not voluntary retired but was compulsory retired by way of punishment imposed in a departmental proceeding. Appeal preferred by petitioner was also dismissed and his writ preferred was dismissed with cost of Rs. 5000/- and his L.P.A also stood dismissed by Division Bench.

Pension of the petitioner was rightly calculated on the basis of total length of his service and gratuity was also paid as per his entitlement.

Counter affidavit has been filed on behalf of Accountant General in which it has been stated that pension sanctioning authority has calculated the length of service of petitioner to be 19 years 1 month and not 20 years and accordingly, pension and gratuity were authorized.

As prayed on behalf of petitioner, the writ petition is disposed of with a direction to the respondent no. 4 Deputy Inspector General of Police, Special Branch, Bihar, Patna, to consider the representation filed by petitioner with respect to any claim of payment which is found to be due to the petitioner and same may be considered and decided within three months from the date of receipt of such representation. It is further



clarified that this Court has not expressed its opinion on the merits of the claim of petitioner and same is to be decided in accordance with law.

Subject to the aforesaid observation, this application is disposed of.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2020
Transmission Date	NA

