

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16085 of 2019

Along with

Interlocutory Application No. 1 of 2020

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Kameshwar Prasad Sinha, aged about 61 years, Male, Son of Deonandan Yadav Resident of Village- Vighrahpur, P.O.- G.P.O., P.S.- Jakkampur, District- Patna.

... .. Petitioner/s

Versus

1. The Bihar Public Service Commission through its Secretary, Bailey Road, Patna.
2. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
3. The Under Secretary, (Establishment), Bihar Public Service Commission, Bailey Road, Patna.
4. The OSD, (Establishment), Bihar Public Service Commission, Bailey Road, Patna.
5. The Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Govind, Advocate

For the BPSC : Mr. Lalit Kishore, Sr. Advocate with
Mr. Abhimanyu Singh, Advocate

For the Accountant General : Mr. Prabhat Ranjan and
Mr. Shivam, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 29-01-2020

Heard learned counsel for the petitioner; Mr. Lalit Kishore, learned senior counsel for the Bihar Public Service Commission (hereinafter referred to as the 'Commission') and learned counsel for the Accountant General.

2. The petitioner has moved the Court for the following reliefs:



“(i) For issuance of a Writ in the nature of Mandamus commanding the respondents to fix the pension of the petitioner and pay arrear of pension with interest calculated @ 18% per annum from the date it became due till the date of its payment.

(ii) For issuance of a Writ in the nature of Mandamus commanding the respondents to pay leave encashment, gratuity to the petitioner with interest calculated @ 18% per annum from the date it became due till the date of its payment.

(iii) For issuance of a Writ in the nature of Mandamus commanding the respondents to grant Second M.A.C.P. to the petitioner from 19.02.2015 as decided vide Office Order No. 204 dated 15.09.2016 with interest calculated @ 18% per annum from the date it became due till the date of its payment.

(iv) For issuance of any other writ/writs/order/orders or direction to which the petitioner may be found entitled to in the facts and circumstances of the case.”

3. Affidavits have been filed on behalf of the authorities. The admitted position today is that the post retiral benefits have been paid. However, with regard to the amount which has been paid, the grievance is that it is not the full amount to which the petitioner is entitled.

4. Be that as it may, the Court, in the present proceeding, cannot go into that aspect, as it is the claim while the petitioner was in service.

5. As a matter of indulgence, the Court had called upon the respondents to answer on the claim and they have



come out with the stand that the admitted payment on account of 2nd MACP of Rs. 23,338/- has already been made to the petitioner.

6. At this juncture, learned counsel for the petitioner submitted that he may be permitted to file a detailed representation before the authorities themselves pointing out his entitlement.

7. Learned counsel for the Commission does not oppose.

8. In view thereof, the writ petition stands disposed off with liberty to the petitioner to file a detailed representation with regard to his claim before the Competent Authority. The same being done, shall be considered, in accordance with law, on its own merits.

9. Interlocutory Application No. 1 of 2020 stands disposed off.

(Ahsanuddin Amanullah, J)

Anjani/-

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