

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6652 of 2020

Pyare Sah Son of Late Kailash Sah Resident of Village-Saidabad, P.S. Pali,
District-Jahanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government, Patna.
2. The Accountant General (A and E), Bihar at Patna.
3. The Engineer-in-Chief, Rural Works Department, Biswasaraiya Bhawan, Bailey Road, Patna.
4. The Chief Engineer-III, Rural Works Department, Biswasaraiya Bhawan, Bailey Road, Patna.
5. The Superintending Engineer, Rural Works Department, Works Circle-2 at Chapra, District-Saran
6. The Superintending Engineer, Rural Works Department, Works Circle at and District-Siwan
7. The Treasury Officer, Jehanabad
8. The Branch Manager, Panjab Narional Bank, Jahanabad Branch, Jahanabad.
9. Kanti Devi Wife of Pyare Sah Resident of Village-Saidabad, P.S. Pali (Kako) District-Jahanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bhola Kumar, Advocate
For the State Ms. Bhawna Singh, AC to GA 5

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 09-07-2021

Heard learned counsel for the petitioner and learned
counsel for the respondents through video conference. Learned
counsel for the petitioner hereby undertakes that all defects
pointed out by the stamp reporter shall be removed, and
compliance with the conditions of the notices of this Court with
regard to acceptance of e-filing shall be made, without delay



immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The present writ petition has been filed for the following reliefs as formulated by the petitioners--

(A) For directing the respondents concerned to pay 67% pension to the petitioner after deducting one third amount from his pension in the terms of the direction of the Hon'ble Supreme Court contained in Annexure-4.

(B) For directing the respondents concerned to pay arrears of pension with effect from 01.07.2010 to 30.06.2015 amounting to Rs.10,71,962/- with interest and at the revised rate fixed by the 7th Pay Commission.

(C) To pass any other order/s direction/s which your Lordships deem fit and proper in the facts and circumstance of the case."

3. The short facts of the case, according to the petitioner, are that his wife (respondent no.9) had filed CWJC No. 1456 of 2011 for apportionment of his pension which was allowed to the extent of 50% in her favour. The petitioner successively challenged the order in LPA No. 240 of 2016, Civil Review No. 181 of 2017 and finally SLP (Civil) Diary No. 40192 of 2017 which was disposed of on 19.02.2018 with the modification



that the petitioner's wife would receive one-third of the pension instead of 50% by way of maintenance and that the petitioner would take care of the marriage expenses of his daughter.

4. Learned counsel for the petitioner therefore submits that the bank officials have not given effect to the order of the Hon'ble Supreme Court and are still not making payment of 67% of the pension to the petitioner together with arrears of pension. He has filed a representation before the Branch Manager, Punjab National Bank, Jehanabad (respondent no.8) but the same remains pending.

5. Learned counsel for the State appears and has been heard.

6. Having regard to the nature of the grievance of the petitioner, the writ petition is disposed of, granting liberty to the petitioner to file a fresh representation before the concerned authority within a period of four weeks from today. If any such representation is filed, the same shall be considered and disposed of in accordance with law after grant of an opportunity of hearing to the petitioner, within a further period of eight weeks thereafter. To facilitate disposal, the petitioner shall furnish his mobile number and email ID to the concerned respondent within a week from today.



7. It is made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and the petitioner shall be at liberty to request for hearing through video conference.

8. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.07.2021
Transmission Date	N/A

