

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9339 of 2020

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Krishna Kumar Singh S/o Late Ram Swarup Singh R/o Village- Jivrakhan
Tola Colony, P.O. Jirakhan Tola Gauria Asthan, P.S. Maner, District- Patna,
Retired Panchayat Secretary, Phulwarishariff Block, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Gram Panchayat Raj, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Gram Panchayat Raj Officer, Patna.
4. The Block Development Officer, Phulwarishariff, Patna.
5. The Accountant General, Government of Bihar, Patna.
6. The Treasury Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sujeet Kumar Gupta
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 15-12-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:

“1. That, this Writ application is
being filed for issuance of a appropriate
writ(s)/order(s)/direction(s), commanding
the Respondents for the following reliefs:-

*I. For commanding the
Respondents to fix the pension after giving
benefit of A.C.P. from November 2009 and
pay full pension to the Petitioner
accordingly.*

*II. For directing the
Respondents to pay the benefit of retirement
dues like G.P.F. Group Insurance and
arrears of differential amount of salary and
pension after November 2009 to the*



petitioner.

III. For directing the Respondents to pay the benefit of commutation of pension for which the Petitioners claim is yet pending.

IV. For issuance of such other appropriate order or direction which may deem fit and proper in the facts and circumstances of the present case.”

3. Petitioner's grievance has not been settled on the allegation that the petitioner has to pay a sum of Rs. 3 lacs to his employer. On this issue as on today, there is no initiation of departmental enquiry. Petitioner has attained the age of superannuation and retired from service on 31.05.2016. At this juncture, the respondents are not permitted to initiate enquiry against the petitioner having regard to the lapse of time. Therefore, the respondents are hereby directed to extend all monetary benefits w.e.f. 2009 and re-fix the pay, arrears of pay, re-fixation of pension and further extend GPF and Group Insurance. The aforesaid monetary benefits shall be calculated and disbursed to the petitioner within a period of two months from the date of receipt of this order. The petitioner is entitled to interest @ 8.1% of arrears amount in the light of Apex Court's decision rendered in the case of *Vijay L. Mehrotra V. State of U.P. & Others* reported in *(2001) 9 SCC 687*.

4. The concerned respondent is hereby directed to comply the aforesaid direction.



5. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.12.2021
Transmission Date	

