

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1037 of 2019

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Banshidhar Mishra Son of Late Ram Sinhasan Mishra Resident of - Ranjan Path, Near Gyan Niketan, Danapur, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Principal Secretary, Water Resources Department, Bihar, Patna
2. The Joint Secretary, Water Resources Department, Bihar, Patna
3. The Deputy Secretary (Management) Water Resources Department, Bihar, Patna
4. The Chief Engineer, Water Resources Department, Gaya, District- Gaya
5. The Accountant General, Bihar, Veer Chand Patel Marg, Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sheo Jee Mishra, Adv
For the State Respondent:		Mr.Binay Pandey, A.C. to G.A.-2.
For the Respondent No.5:		Mr.Shiv Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 28-01-2021

Heard the parties.

2. The petitioner has brought this writ application for issuance of mandamus against the respondents to fix pension of the petitioner as Rs.78,300/- per month which has wrongly been fixed at Rs.73,800/- due to error in computer feeding. Petitioner had filed a representation before the authorities, which is a copy at Annexure-3.

3. The respondents in their counter affidavit asserted that the pension has correctly been fixed for the reason that the petitioner retired on 30.06.2013 and before his retirement he was



punished in departmental proceeding and one increment was withheld on 28.01.2013 and one more increment was withheld in another proceeding on 05.06.2013 with non-cumulative effect. However, the orders were communicated to the authorities concerned in the month of November, 2013 that is why there is direction for recovery of the excess amount paid in the order dated 06.01.2014 contained in Annexure-R5/B of the counter affidavit filed by the Accountant General.

4. Considering the disputed fact of calculation, let the petitioner file representation before the authorities concerned who shall pass a reasoned order showing the calculation of the pension to ascertain the correctness of the decision of the authority.

5. With the aforesaid observation, this application stands disposed off.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.02.2021
Transmission Date	

