

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5106 of 2021

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KAMAL DEO SHARMA Son of Late Ram Chandra Sharma Resident of
Mohalla- 196/1, Ambuj Hans Marg, Kanke road, Reliance Mart,
Misirgonda@Pahargonda, Ranchi University, Kanke, Ranchi, Jharkhand
834004

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. Principal Secretary, General Administration Department, Government of Bihar, Patna
3. Principal secretary, Government of Bihar, Patna
4. Settlement Officer, Settlement Office, Bhgalpur
5. Accountant General (A and E) Bihar, Veer Chand Patel Path, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binodanand Mishra, Advocate
For the Respondent/s	:	None
For the AG	:	Mrs. Ritika Rani, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 29-11-2022

Heard Mr. Binodanand Mishra, learned counsel
appearing on behalf of the petitioner, Mrs. Ritika Rani, on behalf
of the Accountant General. None appears on behalf of the State.

2. The present writ application has been filed seeking
following reliefs:-

*I. For issuance of an order, direction, writ
including writ in the nature of Mandamus commanding the
respondents to revise the pension of the petitioner in terms
with the decision of the State government contained in finance
department resolution number 755 dated 20.10.2017 without
any further delay as the petitioner superannuated prior to
01.01.2016.*



II. For issuance of an order, direction, writ including writ in the nature of mandamus commanding the respondents to make payment of financial benefits of revision of pension in accordance with the decision contained in finance department resolution number 755 dated 20.10.2017 without any further delay.

III. For issuance of an order, direction, writ including writ in the nature of mandamus commanding the respondents to make payment of interest at the rate of 18% per annum to the petitioner on the financial benefits of revision of pension from the date it became due till the date payment is made.

IV. For issuance of an appropriate declaration holding that petitioner is entitled for revision of pension in terms with the finance department resolution number 755 dated 20.10.2017.

V. For any other relief(s) to which the petitioners may be found entitled in the facts and circumstances of the present case.

3. It is submitted that the petitioner was initially appointed as Subordinate Deputy Collector on the basis of 21st Combined Competitive Examination, conducted by the Bihar Public Service Commission and subsequently, on merger of cadre, the petitioner became Deputy Collector with effect from 01.04.1976. In course of time, on the basis of his satisfactory services, he has been granted promotion to the post of Additional District Magistrate and further to the cadre of Joint Secretary and after serving more than 33 years, he superannuated from the post of Charge Officer Settlement, Bhagalpur.



4. Mr. Mishra contended that in terms of finance department resolution number 755 dated 20.10.2017, the pension of the employees of the State Government, who superannuated prior to 01.01.2016 have been revised and in the light of the aforesaid resolution, the petitioner submitted the requisite application in the prescribed format before the Accountant General (A & E), Bihar on 05.12.2018. He vehemently contended that though the representation of the petitioner is pending since long, but till date, no order has been passed with regard to the entitlement of the petitioner for revision of pension, in the light of the said resolution.

5. Considering the grievance of the petitioner, this Court deems it apt and proper to dispose of the matter with a direction to the petitioner to file a fresh representation along with the order of this Court and the materials in support of his claim before the respondent no. 5.

6. If such a representation is filed within a period of four weeks from today, the respondent no. 5 shall consider the same, in the light of the resolution no. 755 dated 20.10.2017, and pass a reasoned and speaking order preferably within a period of six weeks, thereafter.



7. It is needless to say that if the claim of the petitioner finds favor, necessary order for revision of pension shall be passed, within the aforesaid period.

8. Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2022.
Transmission Date	NA

