

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8252 of 2021

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Girjanand Pratihast son of Late Ramand Parihast, resident of Village -
Bharaile, Post - Karankia, Police Station- Banusi, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary Home. Police Department, Government of Bihar, Patna.
2. Director General - cum - Inspector General of Police, Bihar, Patna.
3. Inspector General of Police, Purnia Range.
4. Deputy Inspector General of Police, Purnia Range.
5. Superintendent of Police, Araria, District Araria.
6. Accountant General of Bihar, Birchand Patel Road, Bihar, Patna, 800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanand Roy, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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

Date : 15-02-2022

This matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 Pandemic.

Learned State counsel accepts notice for respondent nos.
1 to 6.

Learned counsel for the petitioner is hereby directed to serve a copy of the petition to learned counsel for the State if it not already served.

In the instant petition, petitioner has prayed for the following relief(s):-

“(i) For Commanding the respondents to re- determine and re-fix the pension of the petitioner in the last



drawn basic pay of Rs. 55200/- (Fifty Five Thousand and Two hundred) and accordingly make payment of the differential amount of the pension, gratuity and other post retiral benefits to him without any delay, For holding that the last drawn basic.

(ii) pay of the petitioner at the time of the superannuation of the petitioner was Rs. 55200/- (Fifty Five Thousand and Two hundred has wrongly and illegally been reduced by the respondents to Rs. 47600 (Forty Seven Thousand and Six Hundred), without giving any notice or opportunity of hearing to him.

(iii) For any other relief/reliefs for which the petitioner is found to be entitled in the facts and circumstances of the present case.”

In support of the aforesaid relief petitioner has submitted representation on 10.02.2020 (Annexure-P/2) and it is pending consideration before the concerned authority.

Therefore, the concerned authority is hereby directed to examine petitioner's grievance stated in the representation read with the service particulars of the petitioner. If the petitioner is otherwise eligible his pension shall be re-fixed with reference to the last drawn basic pay @ Rs. 55,200/-, as prayed in the relief, since the petitioner is stated to have been retired on 30.04.2018. If the petitioner is entitled for re-fixation of pension arrears of pension shall be calculated and disbursed along with interest @ 6% per an-



num in the light of **Vijay L. Mehrota vs. State of Uttar Pradesh and Ors.** reported in **(2001) 9 SCC 687**. The above exercise shall be completed within a period of three months from the date of receipt of this order. The petitioner is entitled to litigation cost and it is quantified @ Rs. 10,000/-

With the aforesaid observations, the present writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

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

