

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23622 of 2018

Dr. Bimla Choudhary Wife of Sri Kameshwar Narayan Choudhary aged about 78 years Resident of Village - Lagma Ram, Bahadoorpur, P.S.- Sakatpur, District- Darbhanga, Bihar

... .. Petitioner/s

Versus

1. The Magadh University and Ors
2. The Vice Chancellor, Magadh University, Bodh Gaya, Gaya
3. The Registrar, Magadh University, Bodh Gaya, Gaya
4. The Finance Officer, Magadh University, Bodh Gaya, Gaya
5. The financial Advisor, Magadh University, Bodh Gaya, Gaya
6. The Principal, Gaya College, Gaya
7. The State of Bihar, through The Principal Secretary, Department of Education, Vikash Bhawan, Patna null null
8. The Principal Secretary, Department of Education, Government of Bihar, Patna
9. The Principal Secretary, Department of Finance, Government of Bihar, Patna null null
10. The Director, Higher Education, Government of Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Virendra Prasad, Advocate.
Mr. Shailesh Kumar, Advocate.
For the Respondent/s : Ms. Meera Singh, AC to GP-23

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-12-2022 Heard Mr. Virendra Prasad, learned counsel for the petitioner and Ms. Meera Singh, learned AC to GP-23 for the State.

The present writ petition has been filed seeking a direction for following reliefs:-

(i) To hold and declare that the petitioner is entitled for getting his pension revised and re-fixed



as per the recently implemented pension revision formula implemented by the State Government of Bihar vide State Govt. Resolution Nos. 754 & 755 dated 20.10.2017 by the Secretary (Expenditure), Department of Finance, Government of Bihar, Patna.

(ii) A writ in the nature of mandamus may kindly be issued commanding the respondents concerned to ensure the payment of all due benefits of such revision and re-fixation of petitioner's pension w.e.f. 01.01.2006 (notionally) actual benefit whereof is to be paid to the petitioners w.e.f. 01.04.2016, that too, after supplying the details of calculation of petitioner's said arrears of pension claim.

(iii) Issuance of an order, direction or a writ in the nature of mandamus commanding the Respondents concerned to ensure the payment of Medical Allowance to the petitioner @ Rs. 1000/- per month from 20.10.2017, as he has been held vide letter no. 764 dated 30.10.2017 issued by the Finance Department, Government of Bihar, Patna (Part of Annexure 1 at page no. 21 of this writ petition

(iv) To hold and declare that the action of the Respondents concerned in not issuing PPO is favour of the petitioner, in spite of petitioner's retirement on 31.03.2003 is highly illegal, arbitrary, mala fide, malicious and violative of provisions as contained in the Pension Statute.

(v) A writ in nature of mandamus may be issued, commanding the authorities concerned of the



Respondent University to issue PPO in favour of the petitioner without any further delay.

(vi) For grant of any other relief or reliefs to which the petitioner may be found entitled to in facts and circumstances of this case.

A counter affidavit has been filed on behalf of the respondents no. 7, 8 & 10. By referring to the statements made in the paragraph no. 9 to the counter affidavit, it is submitted that in response to the letter of Education Department, the University vide its letter no. 1477 dated 08.12.2021 informed the Education Department that the pension of the petitioner has been revised in 7th Pay revision and he is also getting medical allowance of Rs. 1000/- per month. The copy of the aforesaid letter has been brought on record by way of annexure 'C' to the counter affidavit.

It is next submitted that now the grievance of the petitioner has been redressed by the University.

At this juncture, learned counsel for the petitioner submits that payment has been made after a delay of 4-5 years and as such, the petitioner is entitled to get interest over the delayed payment.

Considering the averments made in the counter affidavit, prima facie, it appears that the grievance of the petitioner with regard to the revision of pension and medical



allowance has stood redressed, however, even if the petitioner feels aggrieved, he is at liberty to approach before the concerned authority.

It is needless to say that if any representation would be filed before the concerned respondent, the same shall be considered and disposed of expeditiously by passing a reasoned and speaking order.

Accordingly, the present writ petition stands disposed of with the aforesaid direction and observation.

(Harish Kumar, J)

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