**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.4001 of 2023**

======================================================

Prem Kumar Mishra S/o Late Baijnath Mishra, Resident of Buddha Bihar Colony, East of Shanti Niketan, P.O. - B.H. Colony Kankarbagh, P.S. Agamkuan, District - Patna - 800026.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Home Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Director General of Police, Bihar, Sardar Patel Bhawan, Bailey Road, Patna.
4. The Inspector General of Police, Central Range, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Accountant General, Bihar, Patna.

... ... Respondent/s

======================================================

**Appearance :**

| | | |
|---|---|---|
| For the Petitioner/s | : | Mr.Surendra Mishra, Advocate. |
| For the State | : | Mr. Shailesh Kumar, AC to GP-5. |
| For the A.G. Bihar | : | Mr. Arun Kumar Arun, Advocate. |

======================================================

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**

**ORAL JUDGMENT**

**Date : 21-08-2023**

Heard Mr. Surendra Mishra, learned counsel appearing on behalf of the petitioner; Mr. Shailesh Kumar, learned AC to GP-5 for the State and Mr. Arun Kumar Arun, learned counsel appearing on behalf of the Accountant General.

2. Learned counsel appearing on behalf of the Accountant General informs this Court that the pension, family pension and gratuity has already been authorized by the Office of the Accountant General vide P.P.O. No. 202111062370 on the

basis of sanction letter issued by the competent authority.

3. The petitioner is aggrieved by incorrect fixation of pension as the benefit of time bound promotion and ACP/MACP has not been granted to the petitioner including dearness allowance. Petitioner is aggrieved that pension fixed by the Accountant General is not in accordance with law. The Sanctioning Authority has given incorrect figure and the pension of the petitioner has been paid at a reduced rate than the rate on which the petitioner is eligible.

4. Considering the aforesaid submission made on behalf of the petitioner, the Senior Superintendent of Police, Patna is directed to issue proper sanction order after giving due financial benefit on account of time bound promotion/ACP/MACP and dearness allowance. The petitioner has claimed that last pay drawn by the petitioner is Rs.68,000/- including D.A and the petitioner is entitled for Rs.34000/- on account of pension and 50% D.A. on the last pay drawn. Petitioner has further submitted that petitioner has already represented before the Senior Superintendent of Police, Patna, however, no action has been taken till date.

5. Considering the aforesaid submission as well as the fact that the petitioner had already represented before the

Senior Superintendent of Police, Patna – respondent no.5, the respondent no.5 is directed to take appropriate steps to verify the service records relating to the petitioner and fix the pension and D.A. on the basis of last pay drawn by the petitioner as well as if the petitioner is entitled on account of financial upgradation, in that case, revised sanction letter for fixation of pension should be issued to the Accountant General within a period of six weeks. The Accountant General, Bihar is directed to fix the pension of the petitioner as well as gratuity on the basis of revised sanction order issued by the Superintendent of Police, Patna. The Senior Superintendent of Police, Patna is also directed to make payment of leave encashment.

6. The Accountant General, Bihar must ensure to fix the pension within a further period of two weeks and send the authority letter to the Treasury Officer, Patna. The Treasury Officer, Patna is directed to credit the entire amount of pension and gratuity forthwith not beyond a period of one week from the date of communication of the authority letter.

7. The petitioner, if so advised, may file a detailed representation, in case the petitioner is aggrieved for non-payment of any dues and also request for making payment of amount if any recovered on account of incorrect fixation of

pension in accordance with law.

8. The present writ petition, accordingly, stands disposed of.

**(Purnendu Singh, J)**

mantreshwar/-

| | |
|---|---|
| AFR/NAFR | N.A.F.R. |
| CAV DATE | N.A. |
| Uploading Date | 23.08.2023 |
| Transmission Date | N.A. |