IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6141 of 2023

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Jitendra Kumar Singh Son of Late Brij Mohan Singh, Resident of Village- Gulni Kusaha, P.S.- Sambhuganj, District- Banka.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Irrigation Creation, Water Resources Department, Bihar, Patna.
3. The Chief Engineer, Irrigation Creation, Water Resources Department, Bhagalpur.
4. The Principal Accountant General (A and E), Bihar, Patna.
5. The Treasury Officer, Bhagalpur.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Kumar Jain, Advocate
For the State	:	Mr. Rewti Kant Raman, AC to SC-11
For the Respondent/s	:	Dr. Anand Kumar, Advocate Mr. Ramesh Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
Date : 10-08-2023

Heard Mr. Rajendra Kumar Jain, learned counsel appearing on behalf of the petitioner, Mr. Rewti Kant Raman, learned AC to SC-11 appearing on behalf of the State and Dr. Anand Kumar, learned counsel for the Accountant General, Bihar.

2. Learned counsel appearing on behalf of the petitioner informs this Court that certain amount on account of G.P.F., G.I.S., and unutilized earned leave has been paid and pension is regularly being paid to the petitioner.

Learned counsel is aggrieved for payment of pension at lower rate because of the fact that the fixation of pension has been done without taking into account the period during which the petitioner was under suspension, on account of criminal case for allegation under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 in which he has been acquitted. He further submitted that the authorities without considering the fact that no disciplinary proceeding was pending against the petitioner and also took into consideration the suspension was revoked and petitioner is entitled for the pay and financial benefit by calculating the period of suspension by refixing the pension at the enhanced rate which is applicable for pay matrix level-5. Learned counsel further submitted that in counter affidavit, the respondents have admitted that pension of the petitioner is required to be fixed in pay matrix level-5.

3. Considering the aforesaid submission and the statement made in the counter affidavit, the petitioner, if so advised, may file a detailed representation before the Engineer-in Chief, Irrigation Creation, Water Resources Department, Bihar, Patna- Respondent No. 2, who will

ensure to obtain all the records relating to the petitioner from the Chief Engineer, Irrigation Creation, Water Resources Department, Bhagalpur- Respondent No. 3 and proceed to give benefit of period during which the petitioner was suspended on the basis of and F.I.R. instituted against him relating to Tilkamanjhi P.S. Case No. 29 of 2020 under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016. In the said case no proceeding was initiated. In such circumstances, the respondent no. 2 is directed to take a final decision on the basis of records relating to petitioner and issue fresh sanction letter to the Accountant General, Bihar for rectification of pension of the petitioner in pay matrix level-5.

4. The respondent no. 2 must ensure to take steps with respect to payment of gratuity and commutation of pension and sanction of revised pension to the petitioner within a period of four weeks from the date of filing of the representation in accordance with law.

5. The representation of the petitioner is directed to be disposed of in light of above direction and observation.

6. The Accountant General, Bihar, must ensure to issue authority within a period of two weeks from the date he receives sanction letter.

7. With above observation and direction, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.08.2023
Transmission Date	N/A