IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20961 of 2013

==

Ram Briksh Singh S/O Late Birdhan Singh Resident Of Mohalla Purandarpur Behind Mithapur Post Office, P.S. Jakkanpur, District Patna.

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Road Construction Department, Bihar, Patna.
3. The Chief Engineer, Central Design Organization, Road Construction Department, Bihar, Patna.
4. The Executive Engineer, Road Construction Department, Patna West Road Division, R. Block, Patna.
5. The Accountant General, Bihar, Patna.
6. The Treasury Officer, Vishweshwaraiya Bhawan, Bailey Road, Patna.

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr. Prabhu Nath Pathak, Advocate
For the Respondent/s	:	Mr. Umesh Narayan Dubey, AC to GP-27
For the AG	:	Mr. Arun Kumar Arun, Advocate

==

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 02-02-2023 Heard the parties.

2. The petitioner by way of this writ petition has prayed for quashing of the order passed, which has been placed by their counter affidavit issued by the Office of the Accountant General, Bihar, Patna dated 05.04.2004 which is the reason whereby the petitioner's actual benefits were not released.

3. Learned counsel submits that vide order dated 31.07.2008, the Chief Engineer had revised the petitioner's pay scale under first ACP and second ACP and the same was to be released but since the same has not been released he, therefore,

WEB COPY

had to file the present writ petition. It is hereto stated that as a retired person, he has a right to receive his retiral benefits and the same could not be withheld by the respondents.

4. The respondents filed a reply stating that the benefits granted to the petitioner by the orders of the Chief Engineer were wrongful in terms of the objection raised by the Accountant General Office who has calculated the pay fixation, holding that the RPP is only payable to the petitioner.

5. A similar issue was taken up by the Co-ordinate Bench of this Court in CWJC No. 14287 of 2008 relating to a similarly placed Assistant. This Court held that the objection raised by the Accountant General was wrongful as the age of the petitioner was to be protected, in terms of pay revision committee report. Thus, at the time of fixation of the petitioner pay scale of Rs.5000-8000, the RPP of Rs.1109 was payable to him. This aspect has been ignored by the Accountant General by making an objection in his fixation.

6. This Court in CWJC No.14287 of 2008 (supra) quashed such objection of the Accountant General and directed to re-fix pension and other retiral benefits of the petitioner on the basis of last pay taken including the benefit of RPP which is to be calculated on 01.01.1996.

WEB COPY

7. The claim of the petitioner is also identical. In view thereof although the petitioner has not directly assailed the order of the Account General but considering the aforesaid judgment, this Court deems it fit and proper to set aside the objection of the Accountant General which was not communicated to the petitioner earlier and further direct the respondents including the Accountant General to make fixation of the pension and other retiral dues of the petitioner including the RPP of Rs.1109 while making his pay revision with effect from 01.01.1996 and accordingly, revise his pension.

8. The exercise will be conducted within a period of three months.

9. The petition stands allowed.

(Sanjeev Prakash Sharma, J)

Brajesh Kumar/-
Item no.36

U			

WEB COPY