IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5729 of 2017

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Radha Mohan Verma Son of Late Raghunath Prasad Verma, Residing presently at Mohalla- Dak Bunglow Road, Near KINSWAY Prince Ware opposite Pal Sweet, P.S.- Kotwali, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Excise Commissioner, Goverment of Biahr, Office Situated in New Secretariat Building Patna.
3. Secretary, Registration, Excise and Prohibition Department, Office Situated in New secretariat, Bihar
4. Excise Superintendent , Saharsa.
5. Director Provident Fund, Bihar, Patna.
6. District Provident Fund Officer, Saharsa.
7. Accountant General Bihar Office, Situated in Bir Chand Patel Marg, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Subodh Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Manoj Kumar Singh, AC to GA 9
For the AG	:	Mr.Prabhat Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT
Date : 06-04-2023

Heard Mr. Subodh Kumar Sinha, learned counsel appearing on behalf of the petitioner, Mr. Manoj Kumar Sinha, learned AC to GA 9 appearing for the Respondents and Mr. Prabhat Ranjan, learned counsel appearing for the Accountant General.

2. Learned counsel appearing on behalf of the petitioner has brought on record several departmental letters and submits that the records reveal that the petitioner had discharged his official

duties on the post of Inspector (Excise) and thereafter, he had also officiated as Assistant Superintendent (Excise).

3. Petitioner is aggrieved by arbitrarily fixation of pension applicable for the post of Sub Inspector (Excise).

4. Learned counsel appearing on behalf of the State informs this Court that such incorrect fixation of pension has been detected due to the fact that the service of the petitioner has never been updated, which led to the fixation of the pension of the petitioner on the basis of pay scale applicable to the post of Sub Inspector.

5. Counter affidavit seems to be devoid of any evidence, on which basis this Court can believe that the petitioner on the date of his superannuation was Sub Inspector (Excise). The several communications and orders brought on record of the writ petition *prima facie* give impression that the petitioner had retired from the post of Inspector (Excise).

6. This Court direct the Additional Chief Secretary, Prohibition and Excise cum Registration Department, Government of Bihar to seriously look into the grievance of the petitioner, who had superannuated from the post of Inspector (Excise) in the year, 2002, within a period of three weeks from the date of receipt/production of the copy of this order. The petitioner if so

advised may also file a detailed representation before the Additional Chief Secretary, Prohibition and Excise cum Registration within the aforesaid period.

7. If it is found that the petitioner had retired from the post of Sub Inspector (Excise), the service book of the petitioner is required to be updated for the purpose of fixation of pension and gratuity and the same be sent to the Accountant General (Bihar) within a further period of one week from the date of the decision taken by the Additional Chief Secretary, Prohibition and Excise cum Registration.

8. With the above direction, the present writ petition is disposed of.

(Purnendu Singh, J)

chn/-

AFR/NAFR	NAFR
CAV DATE	06.03.2023
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