

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9304 of 2017

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Yogendra Prasad Roy, S/o Late Lakhan Roy, resident of village - Bangraha,
P.S. Vidyapatinagar, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Government of Bihar, Patna
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Accountant General, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate
For the Respondent/s : Mr. P.K. Shahi, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-07-2023

1. The only argument raised before us was with respect to the notional benefits of the 6th Pay Revision having been granted from 01.01.2006 while the actual benefits were conferred on the Government servants only from 01.04.2007.

2. We see from the Annexure-1 judgment dated 02.03.2017 passed in CWJC No. 7540 of 2014 filed by the petitioner himself that in the writ petition there was a challenge against the decision of the Government to grant full pension to those Government servants who had completed twenty years of pensionable service only from 22.09.2009. The petitioner had



retired on 31.03.2007, one day before the actual benefits were conferred on the Government servants. In fact, the Government notification was challenged before this Court and in **CWJC No. 176 of 2013 (Ram Raksha Ray and Others v. State of Bihar and Others)**, this Court struck down the notification to the extent it denied full pension for twenty years of service for persons who retired on or after 01.04.2007. The Government of Bihar has accepted the judgment and issued modified notifications. The petitioner, however, retired one day before; though his birthday fell on 01.04.2007. This is in accordance with the rules applicable to Government servants, even according to the learned counsel for the petitioner, and without a challenge to that there can be no grievance raised.

3. In so far as the notional benefits granted, the petitioner having retired on 31.03.2007, he would not have got the benefits of actual disbursement of the higher pay which was effective only from 01.04.2007. We do not find any discrimination having been visited on the petitioner since he has been granted notional benefits, which would inure to an enhanced pension being determined and the denial of actual benefits as on 01.04.2007 was only because he retired before that.



4. We find no reason to entertain the writ petition and reject the same.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

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