

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2388 of 2021

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Surendra Singh S/o Late Chandra Shekhar Singh Ward No- 22, Mahajan Toli
No.-1, Near Paani Tanki, PS- Nawada Ara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Home (Police) Department, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. Superintended of Police, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shiv Pratap, Adv.
For the Respondent/s	:	Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

10 02-01-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
counsel for the respondent.

The petitioner has filed the present writ petition for
payment of balance of arrears of pension. The following reliefs
for this present writ application are:-

I. For payment of balance of arrears of pension from
the date of entitlement in view of Resolution No.755 dated
20.10.2017 of Finance Department, Govt, of Bihar, Patna, as per
which Pension/Family Pension of Govt. Employees retired prior
to 01.01.2016 has to be given Pension/Family Pension at revised
rate after refixing the same.

II. For issuance of a writ in the nature of Mandamus commanding/directing the Respondents to restore all retirement benefits to the petitioner, who superannuated on 31.01.2002 after completing the service of 33 years 6 months 12 days, as per the pay fixation on the basis of the office order no 316 of 2001 issued by Respondent Authority vide memo no 445/2001 dated 07.02.2001 whereby and whereunder pay scale of petitioner was revised to Rs.8650.

III. For issuance of a writ in the nature of mandamus directing the Respondents to fix the pension as per the pay fixation recommended in District Order No. 316/2001 passed by superintended of Police, Muzzafarpur, Bihar vide memo no 445 dated 07.02.2001 and pay the arrears of the difference of amount with interest as till today as the petitioner is getting the pension less in terms of last pay fixation.

IV. To issue any other writ, order or direction which this Hon'ble Court may deem, fit and proper under the facts and circumstances of the case.

Pleadings in this case has already been completed. Admittedly, the petitioner was appointed on the post of Constable on 20.07.1968 and superannuated from the service on 31.01.2002 as Sub-inspector. The petitioner has only grievance

that he was entitled for pay scale of Rs. 8,650/- with effect from 01.01.2021 instead of Rs. 8475. In this regard, the petitioner has filed series of representations for the respondent No.3 who is the competent person to pass order in the said matter. Pleading has been completed but court is of the view that a competent person ought to have passed the order.

In this view of the matter, let the respondent No.3 is directed to pass order. All the representation filed by the petitioner considering all the pleadings placed before this court within 60 days from the date of receiving the order passed by this court.

With this direction, this writ application is disposed off. It is made clear that the Superintendent of Police(respondent No.3) is free to pass order in accordance with law without prejudice from the order passed by this court.

(Dr. Anshuman, J.)

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