

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2457 of 2016

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Bihar Pensioner Samaj S/o Late Tarni Prasad, R/o Vill- A/p Bihar Pensioner
Samaj Patliputra Bhawan, P.S.- Patliputra, Patna-13.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary to the Government, Department of Finance, Bihar,
Patna.
3. The Principal Secretary to the Government, Department of Personnel and
Administrative Reforms, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Makardhwaj Upadhyay, Adv.
For the Respondent/s : Mr.Umesh Kr. Roy, AC to GP-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 19-09-2024 1. The present writ petition has been filed for adopting
the office memorandum dated 30.07.2015, issued by the
Government of India, Ministry of Personnel, P.G. and Pensions
Department, Department of Pension and Pensionary Welfare,
with regard to revision of pension of pre-2006 pensioners and
accordingly fixing the pension of the persons who have retired
from Government service, as also for holding that the office
memorandum dated 28.01.2013 is applicable with effect from
01.01.2006 and not from 24.09.2012. The petitioner has also
prayed for stepping up of the pension of such persons who have
retired prior to 2006, with effect from 01.01.2006, to 50 % of
minimum pay in the pay band and grade pay corresponding to



pre-revised pay scale from which they had retired and accordingly calculate and pay the arrears of pension.

2. The learned counsel for the respondent-State has submitted by referring to paragraphs no.6 and 7 of the counter affidavit filed in the present case that the State Government has issued two sets of resolutions for revising the pension of petitioners i.e. one for pre-2006 pensioners, as is contained in resolution no.820, dated 23.09.2009 and the other for the post-2006 pensioners, which is contained in resolution no. 819 dated 23.09.2009, issued by the Finance Department, Government of Bihar. It is further submitted that in Clause 2(iii) of the aforesaid resolution, it has been specifically mentioned that pension of the pre-2006 pensioners will be consolidated with effect from 01.01.2006 by adding the following:-

- i. The existing pension.
- ii. Dearness pension, where applicable.
- iii. Dearness relief as on 01.01.2006.
- iv. Fitment weight age @ 40% of the existing pension.

The amount so arrived at, will be regarded as consolidated pension with effect from 01.01.2006. In other words, it is submitted that the existing pension multiplied by 2.26 will be the consolidated pension with effect from



01.01.2006.

3. Thus, it is submitted by the learned counsel for the respondents that the grievances of the petitioner has stood redressed and in case it is having any further grievance, it can approach the respondent-authorities.

4. This Court finds that the aforesaid stand of the State Government has not been controverted by the petitioner, inasmuch as no rejoinder affidavit has been filed.

5. Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose of the present writ petition in view of the stand taken by the respondent-State, as aforesaid, however, with liberty to the petitioner to approach the respondent-authorities, in case of any subsisting grievances.

(Mohit Kumar Shah, J)

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