

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12749 of 2024

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Balmukund Prasad Late Bhagwat Prasad Resident of Mohalla- Sunder Garh
Bihar Sharif, P.S. Bihar District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Nalanda at Bihar Sharif
4. The Additional Collector (Est.), Nalanda at Bihar Sharif
5. The Circle Officer, Circle Office Sarmera, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Prasad, Advocate.
For the Respondent/s : Mr. Md. Irshad, AC to SC-1.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-08-2024 Heard Mr. Sanjay Prasad, learned counsel appearing

on behalf of the petitioner and Mr. Md. Irshad, learned AC to

SC-1 for the State.

2. The petitioner has sought for the reliefs as prayed

for in Para-1 of the writ petition, which are, *inter alia*,

reproduced hereinafter:

“For direction the respondents to notionally grant one increment to the petitioner for the purpose of pension to reckon his last pay drawn and the pension of petitioner may be re-fixed who retired from service on 30-06-2022 which would have fallen due only on the next day of completion of one full year dated 01-07-2022.

II. For any order and direction in the interest of justice and ends of justice in the facts and circumstances of the case.

3. Learned counsel appearing on behalf of the



petitioner informs that the petitioner had retired on 30.06.2022 and his increment fell on 01.07.2022. He further submits that the case of the petitioner is covered by the law laid down by the Apex Court in the case of **Union of India & Ors. Vs. P. Ayyamperumal (S.L.P. (Civil) Diary No(s) 22283 of 2018.** The information was given on behalf of the petitioner that he had retired after completing his full period of service on 30.06.2022 and the date of increment fell on 01.07.2022 i.e. on the very next date of his retirement. He further submits that the petitioner has already filed a detailed comprehensive representation dated 22.07.2022 before the District Magistrate, Nalanda and the same is pending till date.

4. Mr. Md. Irshad, learned counsel has tendered his appearance on behalf of the State and agrees that the law laid down by the Apex Court in the case of **P. Ayyamperumal (supra)** must be followed in the case of the petitioner who has completed full period of his service and retired a day before the next date of increment.

5. Having considered the rival submissions made on behalf of the parties, as well as, the law laid down by the Apex Court in the case of **P. Ayyamperumal (supra)** and considering the information given on behalf of the petitioner that he had



retired after completing his full period of service on 30.06.2022 and the date of increment fell on 01.07.2022 i.e. on the very next date of his retirement, the present writ petition is allowed. The benefit of increment is required to be considered by calculating the last pay drawn by the petitioner for fixing pension and other pensionary benefits of the petitioner.

(Purnendu Singh, J)

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