

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17426 of 2024

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Nand Kishore Prasad, Son of Mangal Prasad, Resident of Mohalla- New DM Colony, 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.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Prasad, Advocate
For the Resp-State	:	Mr. Amit Bhushan, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-11-2024

Heard the parties.

2. The petitioner by filing the instant writ petition seeks a direction upon the respondents concerned to notionally extend the benefit of one increment for the purpose of pension by reckoning his last pay drawn and accordingly fix his pension since he superannuated from the post of Stenographer on 30.06.2021 and the next increment was fallen due on 01.07.2021.

3. Learned counsel for the petitioner contended that the petitioner was duly appointed as Stenographer on 24.10.1983 and posted in the office of the District Collector, Nalanda at Bihar Sharif. Having completed all through



satisfactory service, the petitioner superannuated on 30.06.2021. Despite the fact that the petitioner had completed one full year of service as on 30.06.2021, but the increment which fell due on 01.07.2021, the same could not be extended to him because of his superannuation. Attention of this Court has been drawn to the decision rendered by the Hon'ble High Court at Madras dated 15.09.2017 in W.P. No. 15732 of 2017, which decision was duly affirmed by the Hon'ble Apex Court in **S.L.P. (Civil) Diary No(s). 22283 of 2018** titled as “**Union of India and Others v. P. Ayyamperumal**” holding that the government servant has to be treated as having completed one full year of service though the date of increment falls on the next day of his retirement. Similar issue has also been brought before this Court in **C.W.J.C. No. 12749 of 2024** titled as “**Balmukund Prasad v. The State of Bihar and Others**”, wherein the learned Single Judge having taken note of the judgment rendered by the Hon'ble Apex Court in **P. Ayyamperumal** (supra), held that the person who has retired after completing his full period of service by 30.06.2022 and the date of increment fell on 01.07.2022 i.e. on the very next date of his retirement, he would be entitled to get increment in his favour. The copy of the order has been placed on record as Annexure-P/3 to the writ petition.



4. On the strength of the afore-noted decisions rendered by the Hon'ble Apex Court as well as the learned co-ordinate Bench of this Court, the petitioner made a representation before the District Magistrate, Nalanda at Bihar Sharif and requested him to notionally extend the benefit of one increment but the same has not been done, compelling him to approach before this Court.

5. Learned counsel for the State submitted that since the representation of the petitioner is pending consideration before the respondent no.3, the District Magistrate, Nalanda at Bihar Sharif, he is the Competent Authority, who shall look into the matter and dispose off the same.

6. Having considered the submissions advanced by the learned counsels for the respective parties and taking note of the decisions of the Hon'ble Apex Court as well as the learned co-ordinate Bench of this Court, this Court deems it apt and proper to direct the respondent no.3 to consider the claim of the petitioner in the light of the decisions afore-noted and notionally extend the benefit of one increment which fell due on 01.07.2021, if he is otherwise found fit.

7. The entire exercise must be completed, preferably within a period of twelve weeks from the date of



receipt/production of a copy of this order.

8. The writ petition stands disposed off.

(Harish Kumar, J)

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