

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8602 of 2024

1. Vishwanath Singh, Son of Late Ramji Singh, Resident of Village and Post Bikrampur, Via Sripur, Block - Cheriabariarpur, District - Begusarai, Pin - 851132.
2. Harishchandra Rai, Son of Ramlakhan Roy, Resident of Ward No. 08, Village and Post - Cheria, via - Sripur, District - Begusarai, Pin - 851132.
3. Kanak Kumari, Wife of Harishchandra Rai, Resident of Ward No. 08, Village and Post Cheria, via - Sripur, District - Begusarai, Pin - 851132.
4. Chandrakala Devi, Wife of Devendra Roy, Resident of Village and Post Desari, Via Narhan, District - Samastipur, Pin - 848211.
5. Sunaina Devi, Daughter of Late Bharat Chaudhary, W/o Ashok Kumar, Resident of Ward No. 7, Village and Post - Bikrampur, via - Siripur, Block - Cheria Bariarpur, District - Begusarai, Pin - 851132.
6. Ashok Kumar Singh, Son of Late Chandrashekhar Singh, Resident of Ward No. 7, Village and Post - Bikrampur, via Siripur, Block- Cheria Bariarpur, District- Begusarai, Pin - 851132.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna
3. The Secretary (Finance), Department of Finance, Government of Bihar, Old Secretariat, Patna.
4. The Accountant General, (A and E) Bihar, Veerchand Patel Road, Patna.
5. The Treasury Officer, Begusarai, District- Begusarai.
6. The United Commercial Bank, Through the Zonal Manager, Zonal Office, Maurya Lok, Patna.
7. The Branch Manager, UCO Bank, Cheriabariarpur Branch, (IFSC UCBA0000493) District - Begusarai.
8. The State Bank of India, Through the General Manager, State Bank of India, Centralised Pension Processing Center, 4th Floor, Administrative Office, Judges Court Road, Patna.
9. The Branch Manager, State Bank of India, Bikrampur, Branch Code 8311, District - Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Avanindra Kumar Jha, Adv.
For the Respondent/s : Mr. Addl. Advocate General (12)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR



ORAL ORDER

2 26-03-2025 Heard the parties.

2. The petitioners before this Court are the erstwhile employees of the State Government and their legal heirs; they have approached this Court for the following reliefs:

“(i) To hold and declare that, in view of the provisions as contained in Resolution of the State Govt. of Bihar, published vide Gazette (Extra Ordinary) No. 489 dated 23 September 2009, Petitioners No.1, 2 & 3 are entitled for being paid, the enhanced Pension i.e., additional 20% of Basic Pension, w.e.f. the date they enter in to the 80th years of age & additional 30% of Basic Pension, w.e.f. the date they enter in to the 85th years of age. And whereas, the petitioners No. 4, 5 and 6, are entitled to receive the arrears of pension of their father /husband (detailed in following paragraphs), whose unsettled claims could not be finalized during their lifetime.

(ii) To hold and declare that, the case of the Petitioners is squarely covered by the ratio laid down by the Judgment and order of this Hon'ble Court, dated 22.12.2023 in CWJC No. 5003 of 2022.

(iii) For issuance of an order, direction or a writ in the nature of Mandamus commanding the respondents concerned for, making payment of enhanced pension / arrears of pension i.e., additional 20% of Basic Pension, w.e.f. the date of entry in to the 80th years of age & additional 30% of Basic Pension, w.e.f. the date of entry in to the 85th years of age, to the Petitioners /legal heirs (in the matter of petitioner No. 4 to 6).

(iv) For grant of any other relief or reliefs to which the petitioners may be found entitled to in the facts and circumstances of this case.”



3. Adverting to the facts enumerated in the writ petition, learned Advocate for the petitioners has taken this Court through the decision of this Court passed in CWJC No. 7400 of 2023 and other analogous cases, wherein the Court after carefully examine the notification no. 489 dated 23.09.2009 has observed that:-

“26. This Court having carefully examined the notification issued by the Government of India and the resolution of the State of Bihar issued in consonance therewith, finds that the word “from 80 years to less than 85 years” and likewise similar enhanced additional pension would certainly starts from the first day of 80th years till less than 85 years, meaning thereby, the first day of 80th year till last day of 84th years and likewise in subsequent slab.

27. In view of the discussions made hereinabove, this Court has no hesitation to hold and declare that the petitioners are entitled for being paid the enhanced pension, i.e., additional 20 per cent of basic pension with effect from the date, it starts from beginning of 80th years till completion of 84th years and likewise additional 30 per cent of basic pension in the next slab from beginning of the 85th years till completion of 89th years and similarly additional enhanced pension in the next slab, from the beginning of the year of 90 to 94 and 95 to 100. Accordingly, the respondents are directed to ensure the payment of all the consequential benefits preferably within a period of eight weeks from the date of receipt/production of a copy of this order/judgment.”

4. Learned Advocate for the petitioners thus



contended that the case of the petitioners are squarely covered to the decisions aforementioned and the respondents authorities are required to ensure identical relief, as has been accorded to the other similarly situated persons.

5. Learned Advocate for the State has apprised this Court that against the order aforementioned passed in CWJC No. 5003 of 2022, the State has preferred letters patent appeal bearing LPA No. 249 of 2024, which is pending consideration before the learned Division Bench of this Court.

6. Learned Advocate for the Bank has further informed that requisite particulars have not been furnished by all the petitioners, in absence thereof the banks are facing difficulty to consider the claim of the petitioners.

7. Be that as it may, considering the fact that the identical issue has been considered by this Court and came to be disposed off vide order dated 22.12.2023 in CWJC No. 7400 of 2023, the present writ petition also stands disposed off in identical terms.

8. For the ends of justice, it would be proper that if the petitioners shall file a separate representation before the concerned authorities, they shall look into the matter and pass appropriate order, in the light of the order aforementioned, preferably



within a period of four months, from the date of receipt/production of a copy of this order.

9. Suffice it to observe any order extending benefit(s) to the petitioners shall be abide by the final outcome of the LPA No. 249 of 2024.

(Harish Kumar, J)

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