

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16788 of 2024

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1. Chandrika Sharma S/o Late Jayram Sharma, Resident of Kanti Bhawan, Kashmirganj, P.O. P.S.- Masaurhi, District- Patna, retired as Assistant Teacher, Smt. Girija Kunwar Plus 2 High School, Masaurhi, Patna.
 2. Rajeshwar Prasad Singh, S/o Sohrai Singh, Resident of Sati Asthan, P.O. and P.S.- Masaurhi, District- Patna, retired as Assistant Teacher, S.M.G.K. High School, Masaurhi, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna.
5. The District Education Officer, Patna, District- Patna.
6. The District Programme Officer, (Establishment), Patna.
7. The Accountant General (A and E), Bihar Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh, Adv
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, SC-26
		Mr. Subodh Kumar AC to SC-26
For the Resp No.7	:	Mrs. Nivedita Nirvikar, Sr. Adv.
		Mr. Amarshakti, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-07-2025

Heard the parties.

2. The instant writ petition has been filed for the following reliefs:-

“(i) For issuance of an appropriate writ in the nature of Mandamus, Commanding and directing the respondents to grant one increment to the petitioners in fixation of pension on account of their retirement on 30th June of the year after 2006



on the basis of law laid down by the Hon'ble Apex Court in Civil Appeal No. 2471/2023, judgment dated 11.04.2023 read with judgment passed in CWJC No.2496/2021 dated 15.04.2024 by which it has been held that the employees are entitled one increment in fixation of pension and payment of terminal dues thereupon.

(ii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners shall be found entitled under the facts and circumstances of the case.”

3. It is the contention of the petitioners that the Joint Secretary to the Government of India, Ministry of Finance issued Office Memorandum dated 30.08.2008, which contends that in terms of the CCS (RP) Rules, 2008 a uniform date of increment has been provided which is 1st July of every year after implementation of the revised pay structure. Since the petitioner no.1 retired on 30.06.2009 whereas the petitioner no.2 retired on 30.06.2011, they are also entitled to get pension after adding one increment in their last basic salary and terminal dues thereupon. It is urged before this Court that the issue posed before this Court has come up for consideration before the Apex Court in the case of **The Director (Admn. And HR) KPTCL & Ors. v. C.P. Mundinamani & Ors. [Civil Appeal No.2471 of 2023]**, where the Apex Court held that *the employees who have earned*



one annual increment on the last day of their services for rendering their services preceding one year from the date of retirement with good behaviour and efficiently are entitled to be granted one annual increment. Reliance has also been placed on a Bench decision of this Court in the case of **Prof. (Dr.) Chandrawati Kumari and Another v. The State of Bihar and Others [C.W.J.C. No. 2496 of 2021]**, wherein the learned Court has extended the benefit of one increment, in the identical facts, to the petitioners of the afore-noted writ petition.

4. Learned Advocate for the State submitted that the claim of the petitioners is required to be examined at the level of the concerned respondent(s) and if the issue has already been set at rest, the petitioners shall also be entitled to the identical relief(s) as has been granted to the identically situated persons.

5. Considering the fair submissions made by the learned Advocate for the State, the writ petition stands disposed off with a direction the concerned respondent(s) to consider the claim of the petitioners for adding one increment in their last basic salary and extending the benefit thereof, preferably within a period of eight weeks' from today.

6. Suffice it to observe that in case the claim of the petitioners finds admissible in view of the judgments rendered



by the Apex Court in **The Director (Admn. And HR) KPTCL**
(supra) and the learned co-ordinate Bench of this Court in **Prof.**
(Dr.) Chandrawati Kumari (supra), identical relief(s) must be
accorded to the petitioners within the period stipulated.

(Harish Kumar, J)

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