

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.329 of 2022

Dr. Krishna Kumar Prasad Son of Late Loknath Yadav Resident of Ward No. 4, English Purani Bazar, Lakhisarai (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna.
2. The Principal Secretary, Health Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna.
3. The Under Secretary, Health Department, Government of Bihar, New Secretariat Building, Bailey Road, Patna.
4. The Accountant General Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Bidhu Ranjan, Adv. Mr. Krishna Kant Singh, Adv.
For the Respondent/s	:	Mr. Sudama Kumar, AC to SC-12
For the Accountant General	:	Mr. Ram Kinker Choubey, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 15-06-2026

Heard Mr. Krishna Kant Singh, learned Advocate for the petitioner and Mr. Sudama Kumar, learned Advocate for the State. Mr. Ram Kinker Choubey, learned Advocate for the Accountant General is also present.

2. The petitioner has approached this Court seeking a direction upon the respondents to fix the enhanced pension of the petitioner with effect from 06.11.2007 as per the enhanced salary accruing to him due to grant of the benefit of first and second Assured Career Progression Scheme in terms of Notification No. 914(3) dated 06.11.2007 of the Health



Department.

3. It is submitted that the facts are not in dispute that the petitioner was duly appointed as a Medical Officer vide Notification No. 467(2) dated 12.03.1979 and performed his duty to the satisfaction of all the concerned. However, on account of certain reason, the petitioner had requested for voluntary retirement, which was duly accepted vide Notification No. 1192(2) dated 03.09.2005. Upon acceptance of his voluntary retirement, the pension was fixed on 05.05.2006 under P.P.O. No. 436071(V) by the Accountant General, Bihar, Patna.

4. It is the case of the petitioner that though the petitioner was voluntarily retired on 03.09.2005, but subsequent thereto on being found eligible, the petitioner was extended the benefit of ACP under Notification No. 914(3) dated 06.11.2007. Notwithstanding the aforesaid fact, the pension was not enhanced, which ought to be on account of accruing the benefit of first and second Assured Career Progression Scheme. Hence, the present writ petition.

5. A counter affidavit has been filed on behalf of the Accountant General, Bihar. It is submitted that on receipt of the letter by the department in relation to the grant of first and second ACP vide Notification No. 914(3) dated 06.11.2007, the



respondent office of the Accountant General issued revised authority of pension and differences of gratuity respectively vide Authority No. pen-02-5606 dated 18.12.2007 and pen-02-5609 dated 18.12.2007. It has also been informed to this Court that further revised pension/family pension, in the light of the 7th C.P.C. has also been authorized vide letter dated 09.10.2019, which is payable with effect from 01.04.2017 as per Bihar Finance Department Notification No. 755 dated 20.10.2017. It has further been clarified that so far revised pay slip is concerned, the same has also been issued vide Notification No. 31120702005956 and 31120702005968. Differences of leave encashment has also been authorized vide letter dated 26.12.2007.

6. The aforementioned averment made in the counter affidavit filed on behalf of the Accountant General has been duly accepted by the authorities of the Health Department.

7. At this juncture, Mr. Krishna Kant Singh, learned Advocate for the petitioner submitted that though the counter affidavit suggests that authorized pension payment orders with respect to pension/gratuity have been issued. But, till date, as has been instructed by his client, he has not been paid any arrears of pension/gratuity, in view of notification contained in Memo No. 914(3) dated 06.11.2007, which clearly stipulates



that petitioner was held entitled to the benefit of first ACP with effect from 09.08.1999 and second ACP with effect from 15.01.2005.

8. Having considered the submissions advanced and taking note of the specific contention made by the learned Advocate for the respondents and the averments made in the counter affidavit filed on behalf of the respondent no. 4 as well as the counter affidavit on behalf of respondent nos. 1-3 which clearly admits the fact that after accepting the VRS of the petitioner, the pension was fixed on 05.05.2006 and later on the same has been revised vide authority number pen-02-5606 dated 18.12.2007 and pen-02-5609 dated 18.12.2007, this Court does not find any reason or occasion to keep the matter pending. However, so far the contention of the petitioner that irrespective of the revised authority of pension and difference of gratuity, having been issued by the office of the Accountant General, Bihar the petitioner has not been given the consequential benefit, the same would be looked into by the Treasury Officer, Lakhisarai, if an application is filed before him preferably within a period of three weeks from today.

9. In case such an application is filed, the Treasury Officer, Lakhisarai shall verify the record and communicate the petitioner with regard to disbursement of his revised pension, in



terms with the Notification No. 914(3) dated 06.11.2007 within a further period of six weeks.

10. Suffice it to observe that in order to resolve the dispute, the Treasury Officer shall, if necessary, also produce the statement of accounts, showing payment of enhanced pension and gratuity.

11. Needless to observe that, in case, the petitioner has not been paid the consequential pensionary benefit on account of revised authority letter, the same shall also be paid to him within the stipulated period.

12. With the aforesaid direction, the writ petition stands disposed off.

13. Learned Advocate for the petitioner is directed to make the Treasury Officer, Lakhisarai as a party respondent no. 5 in course of the day, in order to ensure compliance of the order of this Court.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.06.2026
Transmission Date	NA

