

(2003) 04 PAT CK 0126
In the Patna High Court
Case No : C.W.J.C. No. 711 of 2003

Dineshwar Prasad

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 02-04-2003

Acts Referred:

Citation : (2003) 2 PLJR 630

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Judgement

Radha Mohan Prasad, J.—In this writ petition, the Petitioner, who retired as Permanent Clerk under District sub-Registrar, Munger, is aggrieved on account of denial of the benefit of his service as Extra Clerk from 1951 to 11.10.1972.

2. The question regarding counting of the service as Extra Clerk was considered by this Court in the case of Upendra Prasad Vs. The state of Bihar and Others , in which it has been held that the service rendered as Extra Clerk is also to be counted for the purpose of grant of pension. The said decision has been affirmed in L.P.A. No. 481 of 1997 and also by the dismissal of SLP by the Apex Court, as has been noticed in the order dated 8th February, 2000 passed in C.W.J.C. No. 10804 of 1996 and other analogous cases.

3. It appears that earlier the pension and gratuity of the Petitioner have been fixed on computation of only permanent service and not the service as Extra Clerk rendered by him.

4. However, learned Counsel for the State has produced the sanction order issued by the Collector-cum-District Registrar, Munger to the Accountant General, vide order No. 2 dated 28.3.2003 for payment of pension, family pension and gratuity by counting the entire period, including the period of service rendered by the Petitioner as Extra Clerk.

5. Learned Counsel for the Accountant General has fairly submitted that the

authority/revised authority with respect to pension, family pension, gratuity and other retiral benefits shall be issued accordingly by the Accountant General and the same shall be handed over to the learned Counsel for the Petitioner positively by Monday next (7.4.2003), failing which Petitioner will be at liberty to file two pages affidavit for revival of this matter and taking appropriate action.

6. The writ application is, accordingly, disposed of.

7. Copy of, the sanction order produced today has been handed over to the learned Counsel for the Petitioner and the learned Counsel for the Petitioner will hand over a photo copy of the same to the learned Counsel appearing for the Accountant General and the learned Counsel for the State.