

**(2020) 06 PAT CK 0049**

**In the Patna High Court**

**Case No :** ?Civil Writ Jurisdiction Case No. 6894 Of 2020

Kishun Deo Ram

APPELLANT

Vs

State Of Bihar And Others

RESPONDENT

**Date of Decision :** 04-06-2020

**Acts Referred:**

**Citation :** (2020) 06 PAT CK 0049

**Hon'ble Judges :** Ashutosh Kumar, J

**Bench :** Single Bench

**Advocate :** Sanjay Kumar Verma, Raj Kishore Roy, Abhay Kumar Kashyap

**Final Decision :** Allowed/ Disposed Of

## Judgement

Ashutosh Kumar, J

The present writ petition has been filed for a direction to the respondent-authorities to make payment of pension to the petitioner @ 90% of the full pension while reckoning the revised new substantial pay of Rs. 15080/- admissible to the petitioner with effect from 01.07.2016, instead of 75% which was allowed to the petitioner after reckoning the old pay of Rs. 12980/- having been sanctioned with effect from 01.07.2011, as also for payment of gratuity, left over provident fund amount and the arrears accrued out of difference of the admissible pension amount after deducting the amount allowed and paid. The petitioner has also claimed interest on the amount which is due to him and which has not been paid up till now.

Counter affidavit on behalf of respondents no. 3 and 8 is on record.

From the perusal of the writ petition as also the counter affidavit referred to above, it appears that for a misconduct on the part of the petitioner, a departmental enquiry was initiated and the petitioner was put under suspension from May, 2012 till his superannuation. After his retirement, he was found eligible to get 75% of the provisional pension with consolidated group insurance

amount, earned leave amount and provident fund.

As disclosed in the counter affidavit of respondents no. 3 and 8, after the retirement of the petitioner on 28.02.2017, whatever was sanctioned to the petitioner has been paid to him. The details of the payment have been annexed as Annexure- A & B to the counter affidavit. It, therefore, appears that most of the post-retiral dues of the petitioner have been paid.

However, if anything remains to be paid and which is due to the petitioner, the petitioner would make a suitable representation before the respondent no. 3 within a period of eight weeks from today. On receipt of such representation, the concerned respondent (respondent no.

3) shall look into the entire set of facts and shall pass a reasoned order within a period of six weeks thereafter and communicate the same to the petitioner. If the further claim of any amount of the petitioner is found to be tenable, necessary arrangement shall be made for making available to the petitioner the aforesaid amount.

With the aforesaid direction/observation, the writ petition stands allowed and disposed of.