

(2002) 12 PAT CK 0038
In the Patna High Court
Case No : L.P.A. No. 1308 of 2002

Sri Gaya Prasad Trivedi

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 20-12-2002

Acts Referred:

Citation : (2003) 2 PLJR 818

Hon'ble Judges : Ravi S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Upon hearing learned Counsel for the Petitioner-Appellant and having perused the record of the writ petition and the letters patent appeal, the court did ask learned Counsel, if the Petitioner-Appellant was really serious about chasing his claim for commuting the pension after having enjoyed receipt of the pension for 20 years, which today makes him approximately 78 years of age. The Petitioner-Appellant now desires that for all the delay which may have been taken by the State-Respondents in considering his request for commuting his pension, the request should be considered now. The delay has been noticed by the learned judge on the writ petition that this was not such a straight case in which commutation could have been considered for the asking.

2. The ridiculous part is that if pension is to be commuted now the period would end when the Petitioner-Appellant would be approximately 94 years of age. It is submitted before the court that equity is in favour of the Petitioner-Appellant and the court is being indicated that the liberalized pension scheme permits commutation, notwithstanding that the period has not been indicated as to when a pensioner may be stopped from making his request.

3. On the contrary, equity is in favour of the State. Tie commutation of pension is normally considered at the time when a pensioner has J taken his retirement.

4. The court is not inclined to interfere with the order of the learned Judge.

5. Dismissed.