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IN THE HIGH COURT OF JUDICATURE AT PATNA

( Civil Writ Jurisdiction )

C.W.J.C. No. \_\_\_\_\_ of 2013.

Ghanshyam Prasad Yadav. .... Petitioner.

Versus.

The State of Bihar and Others. .... Respondents.

S Y N O P S I S

Prayer :- The petitioners pension has been withheld  
from August 2010 without any reason.

Facts and Dates ;

30.9.1998. That the petitioner retired on 30.9.1998  
from the post of Circle Inspector under  
Anchal Adhikari, Tribeniganj.

That the petitioners pension has been  
fixed by the Accountant General, Bihar,  
Patna and Pension Payment Order hearing  
No. 373914 has also been issued in favour

(ii)

of petition.

2010.

That the petitioner's pension is withheld from August 2010 without any reason.

- That Several representation filed to no avail.
- Hence this writ application.

IN THE HIGH COURT OF JUDICATURE AT PATNA

( Civil Writ Jurisdiction )

C.W.J.C. No. \_\_\_\_\_ of 2013.

Ghanshyam Prasad Yadav. .... Petitioner.

Versus.

The State of Bihar and Others. .... Respondents.

Sub.:- Post Retirement matter.  
(Non Gazetted)

I N D E X

<u>Sl.no.</u>	<u>Particulars.</u>	<u>Page nos.</u>
1.	An application with Affidavit.	1 to 7.
2.	<u>Annexure-1.</u> A photo stat copy of the representation.	8 00
3.	<u>Annexure-2.</u> A photo stat copy of the PPO.	9-10
4.	<u>Vakalatnama.</u>	

IN THE HIGH COURT OF JUDICATURE AT PATNA

( Civil Writ Jurisdiction )

C.W.J.C. No. \_\_\_\_\_ of 2013.

In the matter of an  
application under Article  
226 of the Constitution of  
India.

And

In the matter of;  
Ghanshyam Prasad Yadav, Son of late Sant Prasad Yadav,  
resident of village- Post Akbarpur Purani Bazar,  
P. S. Bhawanipur, District- Purnea.

.....

Petitioner.

Versus.

1. The State of Bihar *through the Finance Commission*

2.

2. General Manager, State Bank of India, Head Office,

Gandhi Maidan, Patna.

3. Regional Manager, State Bank of India, Purnea.

4. Branch Manager, State Bank of India Under Kishanganj,

Madhapura.

5. Treasury Officer, Madhapura.

..... Respondents.

To,

The Hon'ble Ms. Justice Rekha M. Doshit, the Chief

Justice of the High Court of Judicature at Patna

and her companion Justices of the said Hon'ble

Court.

The humble petition on

behalf of the petitioner.

Most Respectfully Sheweth :-

1. That this writ of mandamus in the Respondent

authorities for payment of pension to the petitioner

3.

which is held from August 2010 without any reason.

2. That the main point involved in this writ application is -

(1) Whether the Respondent authority can held back the petitioner's pension ?

3. That the petitioner is a citizen of India.

4. That the petitioner has retired on 30.7.78 from the post of Circle Inspector under Anchal Adhikari, Tribeniganj.

5. That the petitioner's pension has been fixed by the Accountant General, Bihar, Patna and pension payment order bearing No. 372914 has also been issued in favour of petitioner.

6. That the pension of petitioner is withheld with effect from August 2010 without any reason.

7. That the Treasury Officer, Madhapura

4.

says that all the paper regarding pension has been sent to the concerned Branch Manager Uda- ~~Kishan~~ Kishanganj vide his letter No. 2752 dated 5.8.10 as per his oral statement. There is no written evidence of the Treasury Officer in this regard the Treasury Officer in this regard the Treasury Officer is according to give any evidence to the petitioner.

8. That as per oral statement of the treasury officer, Madhepura the petitioner went to the State Bank of India Uda Kishanganj removal times since August 2010. But the Branch is ignoring the claim of the petitioner. The petitioner has made ~~xx~~ several representation but to no avail.

A photo stat copy of the representation is annexed herewith and marked as Annexure-1 to this petition.

5.

9. That the petitioners passbook No.  
11746927956 and PPO No. is 378914.

A photo stat copy of the PPO  
~~Max~~ is annexed herewith and  
marked as Annexure-1 to this  
petition.

10. That the petitioner is running from  
pillar to post but to no avail.

11. That the petitioner has got no other  
efficacious remedy had by way of writ jurisdiction.

12. That the petitioner is facing great  
financial Hardship for non payment of pension.

13. That the petitioner has not moved the  
Hon'ble High Court earlier on the matter stated  
above.

It is, therefore humble prayed  
that your lordship may graciously



6.

be pleased petitioner may be admitted  
and show cause notice may be issued to  
the Respondent that why the relief  
prayed for paragraph cone may not be  
granted and after hearing both parties  
and show cause if any the relief or  
prayed for in paragraph 1 may be  
granted.

And

Such further order or orders as your  
lordships think fit and proper may be  
passed.

And for this the petitioner shall ever pray.

7.

A F F I D A V I T

I, Ghanshyam Prasad Yadav, aged about 73 years, Son of late Santi Prasad Yadav, Resident of Village+ Post- Akbarpur Purani Bazar, P.S. Bhawanipur, Dist.- Purnea, do hereby solemnly affirm and state as follows :-

1. That I am petitioner in this case and as such am well acquainted with the facts and circumstances of this case.
2. That ~~I have~~ the content of this application have been read over and explained to me in Hindi which I have dully understood the same.
3. That the statement made in paragraph nos. 1, 3 - 5, 7, 9, 11, 13 — are true to my knowledge and those statement made in paragraph nos. 2, 4, 6, 8, 10 — 12 — are true to my information derived from the records of the case and rest are by way of submission before this Hon'ble Court.
4. That the annexures are true photo stat copies of their respective originals.

6/12/2014 2/14/9

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ए ने क स न र - 1

सेवा में,

थाना अध्यक्ष महोदय,  
उदाकिशुनगंज

विषय- मेरा पेंशन पेपर एवं पासबुक खो जाने के सम्बन्ध में गनाहवेदन ।

महाशय,

निवेदन पूर्वक सूचित करना है कि मैं धनश्याम प्र० यादव पे० स्व० शांति यादव सा० अकबरपुर, थाना भवानीपुर, जिला पूर्णिया का रहने वाला हूँ, मैं दिनांक 26.11.2010 को भारतीय स्टेट बैंक उदाकिशुनगंज से पैसा निकालकर मोटर साइकिल से घर जा रहे थे, झोला में पासबुक एवं पेंशन पेपर रखकर मोटर साइकिल के केरियर से दाब दिये थे, घर जाने के क्रम में रास्ते में झोला कहीं गिर गया, इससे पासबुक खाता न० 117489-27956 एवं पेंशन पेपर न०- 373914 है, काफी खोजबीन कीया किन्तु आज तक कोई पता नहीं चल सका ।

अतः श्रीमान् से अनुरोध है कि सनाह दर्ज कर एक प्रति देने की कृपा की जाय । ताकि मैं बैंक से पासबुक एवं पेंशन पेपर बनवा सके ।

प्रार्थी

उदाकिशुनगंज थाना दैनिकी सनहा स०

धनश्याम प्रसाद यादव

506/10 दिनांक 29.11.10 का सचिव

27.11.2010

प्रति ।

ह०/-विनय कुमार सिंह

29.11.10

थानाध्यक्ष

उदाकिशुनगंज थाना ।

ANNEXURE - 2

9

OFFICE OF THE ACCOUNTANT GENERAL (A & E) BIHAR, PATNA  
( PENSION PAYMENT ORDER )  
(PART-I)

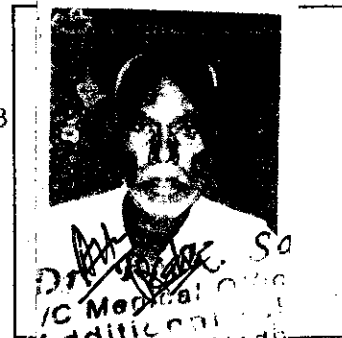
PPO NO. 373914

DATE: 29/12/2003

CASE NO. PR-911(03-04)

Debitable to Govt. of Bihar

Head of Account "2071 - Pension and other Retirement Benefits"



PENSION	PEN. COMMUTED	CVP	RED. PENSION	DCRG
[REDACTED]				

1. UNTIL FURTHER NOTICE, and on the expiration of every month, be pleased to pay to *Sri Ghanshyam Prasad Yadav*

the Pension/Family Pension as set out in Part-II of this order, plus the amount of dearness allowance as admissible from time to time thereon after due identification of the pensioner.

The payment should commence from 01/10/1998

2. In the event of death of *Sri Ghanshyam Prasad Yadav*

Family pension of Rs. 2732/- (Rs. two thousand seven hundred and thirty two only) per month may be paid to *Smt. Rashmani Devi*

From the day following the death of *Sri Ghanshyam Prasad Yadav*

upto 05/09/2005 and thereafter family will be admissible @ Rs. 1640/-

till the date of her/his remarriage or death whichever is earlier on receipt of death certificate and Form of application from widow / widower.

3. The income tax wherever deductible shall be deducted at source.

To  
The Distt. Treasury Officer,  
Madhepura

Entered in SL.No. 1830  
T.O  
MADHIPURA  
29/12/03

FOR NON GAZETTED CASES PROVISIONAL PENSION/FAMILY PENSION IF PAID MAY BE ADJUSTED

Note : In all correspondences, the Pension Payment Order Number, Pension Case Number and the office last served should be quoted

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PART - II

PPO NO. 373914

Name of the Govt. Servant <b>Ghanshyam Prasad Yadav</b>		2. Post Held <b>Circle Insp.</b>	
Office : <b>C.O. , Triveniganj Supaul</b>			
Residential Address <b>Vill + P.O.: Akbarpur P.S. : Bhawanipur Distt: Purnea</b>			
Date of birth <b>07/09/1940</b>	Date of Appointment <b>30/09/1959</b>	Date of retirement <b>30/09/1998</b>	Date of death
Class of Pension <b>Supn.</b>		7. Gross Qualifying service	
Net Qualifying service <b>39Y- 0M- 1D</b>			
A.E./Emol. for pension <b>5464</b>	Emoluments for.F.P. Rs. <b>5464</b>	Emoluments for DCRG Rs. <b>6564</b>	Last Pay Drawn Rs. <b>5000 + 464 Rpp</b>
Provisional pension paid @ Rs. <b>0</b> p.m. from <b>01/10/1998</b> till date is to adjusted			

10.73

12

NSION : @ Rs. 2732/- (Rs. two thousand seven hundred and thirty two only) w.e.f. 01/10/1998

HANCED FP : @ Rs. 2732/- (Rs. two thousand seven hundred and thirty two only) upto 06/09/2005

FOR 7 YRS. FROM THE D.O.D. WHICHEVER IS EARLIER AND THEREAFTER

RMAL F.P. @ Rs. 1640/- (Rs. one thousand six hundred and forty only)

DETAILS OF FAMILY MEMBER ELIGIBLE FOR FAMILY PENSION.

No.	Name	Relationship with Govt. Employee	Date of Birth	Whether Handicaped
1.	Rashmani Devi	Wife		

Signature of Accounts Officer  
Verified  
30/09/98  
T.O. MDAI  
30/09/98

Name of the paying Bank.  
Bank Account No.

*[Signature]*  
30/09/98  
Sr. Accounts Officer/Accounts Officer