

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 361 of 2021

Vijay Kumar Singh ... Petitioner

Versus

The State of Jharkhand and others ... Respondents

CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Vijay Shankar Jha, Advocate

For the State : Mr. Gaurav Abhishek, AC to AG

For the AG : Mr. Arvind Kr. Mehta, Advocate

Order No. 08

Dated 12th April, 2023

I.A. No. 2714 of 2022

Heard the learned counsel for the respective sides.

In this interlocutory application the petitioner has prayed for amending the prayer made in the writ application by some additional prayers.

The petitioner in the writ application has prayed for quashing of the Authority of pension and gratuity dated 01.11.2020 by which excess payment has been sought to be adjusted as per the Jharkhand Pension Rules. The petitioner has also prayed for quashing of the revised commuted value of pension dated 02.11.2020 wherein also excess amount paid in lieu of earlier commuted value of pension, has been directed to be adjusted.

During the pendency of this writ application a counter affidavit has been filed by the State in which memo No. 569 dated 15.01.2020 was brought on record which was for a direction to take appropriate action for recovery of excess payment made to the petitioner as his date of birth was treated as 08.01.1953 in place of 08.01.1958. The petitioner through this amendment application also seeks to challenge the letter No. 353 dated 10.08.2020 by which the respondent No. 7 was requested by the respondent No. 4 to take appropriate action against the petitioner for revision of his pension in view of the correction of his date of birth.

Since the prayer made in the writ application as well as in the amendment application has a nexus as both are related to recovery of excess amount paid to the petitioner on account of the date of birth of the petitioner being treated as 08.01.1953 in place of 08.01.1958, this amendment application is allowed.

I.A. No. 2714 of 2022 stands allowed.

Mr. Vijay Shankar Jha, learned counsel for the petitioner is directed to file an amended writ application for which he is granted three weeks' time. If

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the amended writ application is filed within the period aforesaid, learned AC to AG shall take instruction and file a counter affidavit to the amended writ application for which he is granted further four weeks' time.

Let this case be listed on 14.06.2023.

The interim order dated 07.02.2022 shall continue until further orders.

(RONGON MUKHOPADHYAY,J.)

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