

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.1843 of 2014**

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Ratan Kumar Singh S/O Sri Pradeep Narayan Singh Resident Of Flat No. L-2/25,  
Sri Krishnapuri ( Boring Road), P.S- Krishnapuri, District- Patna.

.... .... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna.
2. The Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna.
3. The Principal Secretary, Finance Department, The Govt. Of Bihar Old Secretariat, Patna.
4. The Principal Secretary, Urban Development Department, The Government Of Bihar, Patna.
5. The Patna Municipal Corporation, Through The Municipal Commissioner, Maurya Lok, Block- C, P.S- Kotwali, Patna.
6. The Municipal Commissioner, Patna Municipal Corporation Muarya Lok, Block-C, P.S- Kotwali, Patna.
7. The Additional Municipal Commissioner ( Establishment), Patna Regional Development Authority ( Dissolved) Cum Patna Municipal Corporation, Maurya Lok, Block- C, P.S- Kotwali, Patna.
8. The Engineer In- Chief, (Central), Water Resources Department, Shichai Bhawan, Patna.
9. The Finance And Account Officer, Patna Municipal Corporation, Maurya Lok, Block- C, P.S- Kotwali, Patna.
10. The Accountant General, Bihar, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Kishore Kumar Thakur, Adv.  
For the State : Mr. Ravish Chandra, AC to SC-16  
For the PMC : Mr. Ranjeet Kumar Pandey, Adv.  
For the A.G. : Mr. Ram Kinkar Choubey, Adv.

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**

**ORAL JUDGMENT**

**Date: 09-02-2015**

Heard learned counsel for the parties.

Having regard to the fact that the petitioner was an employee of the State Government who was on deputation in the Patna Municipal Corporation (hereinafter to be referred to as 'the

Corporation'), the liability for payment of pensionary benefit to the petitioner will not lie on the head of the Corporation.

Learned counsel for the Corporation in fact has explained that necessary information along with service book of the petitioner has already been sent to the State Government for doing the needful.

Learned counsel for the State, on the other hand, has submitted that while he is not aware of this new development which has taken place in the month of January, 2015, inasmuch as, from the counter affidavit of the Corporation, it transpires that they have sent the service book of the petitioner only to the State Government only in the month of January, 2015, but, then, the petitioner has already been paid provisional pension, Group Insurance and, therefore, it is expected that now when the service book has already been received, the amount payable under the head of all other retirement benefit shall be finalized and also paid in accordance with law.

At this stage, learned counsel for the Corporation submits that the petitioner is facing a prosecution in the vigilance case and a departmental proceeding is also going on against the petitioner.

In that view of the matter, while this Court would not like to decide the matter conclusively but, then, a final decision, with regard to payment of retirement benefit, must be taken within a period of three months from the date of receipt of this order.

If for any reason including the criminal case and/or departmental proceeding the petitioner is not found to be entitled for payment of full and final retirement benefit, the authority shall also communicate the reasons for the same to the petitioner within a period of three months.

It also goes without saying that if the petitioner is found entitled for any further amount on any of the head of the retirement benefit under the order of the competent authority of the State Government, its payment shall also be made to the petitioner within a period of one month from the date of such order.

With the aforementioned observation and direction, this application is disposed of.

**(Mihir Kumar Jha, J)**

Rishi/-

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