IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10935 of 2014

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Ashish Kumar Jha, son of Sri Surendra Mohan Jha, Resident of Village- Rajpur, P.S.- Belhar, District- Banka; at present residing at Magistrate Colony, P.S.- Rajiv Nagar, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Cooperative, Government of Bihar, New Secretariat, Patna
3. The Registrar, Co-operative, Government of Bihar, New Secretariat, Patna
4. The Director, Provident Fund, Provident Fund Directorate, Government of Bihar, Patna
5. The District Provident Fund Officer, Patna
6. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Subodh Kumar Jha, Adv
For the A.G. : Mr. Arun Kumar Arun, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 23-04-2015 Heard learned counsel for the parties as with regard to the following relief, prayed in this writ application:-

> *"for directing and commanding the Respondents to pay post retrial benefits to the petitioner i.e. Pension, Gratuity, Leave Encashment, provident fund, G.I.C. and other post retrial benefits forthwith as petitioner has already retired from the post of Assistant Registrar (Leave reserve) from Cooperative Department, Government of Bihar, w.e.f. 31.03.2014."*

Having regard to the stand taken by the respondents in the counter affidavit, relevant portion whereof reads as follows:-

> *"The petitioner's service history is glaring example of corrupt practices and his service history is not thoroughly satisfactory.*
>
> *The Departmental proceeding has been initiated against him for his corrupt practices under rule 17 of the Bihar CCA rules vide Department resolution no. 1436 dated 28.03.2014 and 1437 dated 28.03.2014 which have been converted under rule 43(b) of Bihar Pension rule 1950 after the retirement of the petitioner vide Department notification no. 1515 dated 02.07.2014. In both the proceeding, Departmental enquiry commissioner has been appointed as conducting officer.*
>
> *Hence two Departmental proceeding is pending against the petitioner for his corrupt practices committed during the tenure of his services.*
>
> *Petitioner post retirement benefits such as GPF, Group Insurance have been sanctioned vide department letter no. 2189 dated 04.06.2014, 2230 dated 22.04.2014 respectively to the petitioner. 90% pension and gratuity have also been sanctioned provisionally to the petitioner vide department letter no. 2794 dated 14.07.2014. Unutilized earned leave encashment is not admissible to the petitioner as petitioner is facing Departmental proceeding for financial irregularities and there is every chances of recovery from his pensionary benefits.*
>
> *In the light of above facts most of the post retirement benefits have been sanctioned only 10% pension and gratuity and leave encashment is pending as two departmental proceedings have been initiated against the petitioner and it is pending."*

this Court would find that the petitioner's prayer for the time being must be confined to payment of amount of

GPF and Group Insurance for which sanction order has already been issued as noted above on 04.06.2014 and direct the competent authority including District Provident Fund Officer, Patna to ensure that the amount of provident fund along with statutory up-to-date interest as well as the amount of group insurance must be paid to the petitioner within a period of two weeks from the date of receipt of this order.

Since the petitioner has already received the amount of provisional 90 per cent of the pension and gratuity the rest of the retirement benefits including full payment of family pension, leave encashment and gratuity shall abide by the result of two departmental proceedings pending against the petitioner.

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

(Mihir Kumar Jha, J)

Ranjan/-

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