

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11468 of 2011

=====

Lallan Prasad Singh S/o Late Nand Bahadur Singh R/o Vill.-Bargaon, P.S.-Sahar, Distt.Bhojpur at Present residing of Ranchi in the house of R.K. Singh Situated in Rani Bagan P.S. Ranchi Sadar, District-Ranchi, State Jharkhand

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
3. The Deputy Secretary (Prabandhan), Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
4. The Superintending Engineer Tirhut Canal Circle Bettiah, District-West Champaran.
5. The Executive Engineer, Trihut Canal Division, Bettiah, District-West Champaran.
6. The Deputy Secretary, Nigarani (Vigilance) Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
7. The Chief Engineer, Water Resources Department, Vilmiki Nagar, District-East Champaran.
8. The District Provident Fund Officer, Bettiah, District-East West Champaran.
9. The Treasury Officer, Ranchi, District-Ranchi, State-Jharkhand.
10. The Accountant General, Bihar, Birchand Patel Marg, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4. 09.01.2015

Heard learned counsel for the parties.

Though as per direction of the Court dated 05.11.2014, final order passed in the disciplinary proceeding against the writ petitioner initiated on 2nd December, 2010 has not been brought on record, but it has been brought to the notice of the Court that the issue has been decided by the Hon'ble Supreme Court in the case of **State of Jharkahnd v.**

Jitendra Kumar Srivastava reported in **(2013) 12 Supreme Court Cases 210** where it has been held that in absence of any specific Rules, pension being property cannot be withheld. In the present case, withholding has been done on the basis of the Government circular in view of the pendency of the departmental proceeding and the criminal proceeding. In the absence of any specific Rule it has been held to be impermissible.

In view of the aforesaid, the application stands disposed off with a direction upon the respondents to release the remaining 10% of the pension of the petitioner within a maximum period of six weeks from the date of receipt/production of a copy of this order upon the respondent no. 3.

(Ahsanuddin Amanullah, J.)

P. Kumar

U			
---	--	--	--