

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.56 of 2011

=====

Kapildeo Prasad S/O Late Maharaj Prasad Resident Of C/O Maheshwar Prasad
Sinha, Savitri Bhawan, Dujra Chak, P.S- Budha Colony, District- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar through The Commissioner-Cum- Secretary, Government Of Bihar, Patna.
2. The Commissioner-Cum- Secretary, The Public Health Engineering Department, Government Of Bihar, Patna.
3. The Chief Engineer (Mechanical), Public Health Engineering Department, Bihar, Patna.
4. The Superintending Engineer, Public Health Engineering Department, Mechanical Division, Patna.
5. The Executive Engineer, Public Health Engineering Department, Western Mechanical Division, Patna.
6. The Assistant Engineer (Sub- Divisional Officer), Public Health Engineering Department, Patna.
7. The Special Officer, Public Health Engineering Department, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 07-08-2015

Heard learned counsel for the parties. Nobody appears on
behalf of the State.

The petitioner seeks payment of remaining 10 per cent

pension, gratuity and leave encashment.

It appears that the petitioner was dismissed from service due to which he approached the Court in C.W.J.C. No. 830 of 1999 which was admitted for hearing and there was interim order of stay against such dismissal. The petitioner continued pursuant to such stay order and finally superannuated on 31.08.2009 from the post of Junior Accounts Clerk in the Public Health Mechanical Division, Patna.

Learned counsel for the petitioner very fairly submits that though the writ petition stood dismissed he has filed Civil Review No. 118 of 2015.

In view of the stipulation of Section 139 (a) of the Bihar Pension Rules that the pension is payable only for the service approved and the fact being that dismissal order of the petitioner has not been interfered with, in the opinion the Court, no relief can be granted to the petitioner in the present writ application.

Accordingly, the application stands disposed off.

However, the petitioner shall be at liberty to move the appropriate forum in case he succeeds in getting his dismissal order set aside.

(Ahsanuddin Amanullah, J)

Anjani/-

U			
---	--	--	--