

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2645 of 2014
In
Civil Writ Jurisdiction Case No. 16278 of 2013

1. Shree Krishna Prasad Shrivastava Son of Late Bhuneshwari Prasad
Resident of Village & P.O.-Pirauta, P.s.-Muffasil, District-Bhojpur.
At present resident of mohalla-Jai Hind Colony (Nala More), at
& P.O.-Ara, District-Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Sri Anjani Kumar Singh
General Administration Department, Bihar, Patna.
2. Sri Rameshwar Singh, Principal Secretary-Cum-Commissioner to
Government, Finance Department, Bihar, Patna
3. Sri R.K. Mahajan, Secretary-Cum-Commissioner to Government, Human
Resources Department, Bihar, Patna.
4. Sri S. Sarwanan, Director, Primary Education, Bihar, Patna.
5. Sri Laxman Prasad Singh, Regional Deputy Director, Primary Education,
Patna Division, Patna.
6. Sri Pankaj Kumar Pal, District Magistrate, Bhojpur, Ara.
7. Sri Raghubansh Kumar, District Education Officer, Bhojpur, Ara.
8. Sri Dhananjay Mishra, Treasury Officer, Ara, District-Bhojpur.
9. Sri Rajesh Prasad Yadav, District Provident Fund Officer, Ara, District-
Bhojpur.
10. Sri Sanjay Kumar, Accountant General, Bihar, Patna.
11. Sri Binod Kumar, Block Extension Education Officer (North), Ara,
District-Bhojpur.
12. Sri Birendra Kumar Singh, Head Master, Amar Adarsh Middle School,
Ramghariya, Ara (Drawing and Disbursing Officer).

.... Respondent/s

Appearance:

For the Petitioner/s : Mr. Ranjan Kumar Singh
For the Respondent/s : Mr. Mani Kant Mishra

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

14 08-07-2015 Supplementary show cause is filed on behalf of the opposite party
no.7.

Heard learned counsels for the parties.

Learned counsel for the petitioner submits that this court directed
the opposite party in CWJC no. 16278/2013 to ensure payment of retiral dues

of the petitioner but Annexure P to the supplementary show cause filed on behalf of the opposite party no.7 reveals that pension of the petitioner has been stopped with effect from 17.06.2015. It is contended by learned counsel for the petitioner that entire pension of the petitioner can not be stopped in any circumstance and stoppage of entire pension of the petitioner is nothing but violation of Article 21 of the Constitution of India.

It would appear from perusal of annexure P to the supplementary show cause that order of stoppage of pension and gratuity has been passed by the concerned department under rule 43 (b) of the Bihar Pension Rules. Furthermore, order dated 22.01.2014 passed in CWJC no. 16278/2013 reveals that at the time of passing the above stated order, it had not been brought to the notice of this court that a departmental proceeding against the petitioner was pending.

Therefore, in my view, if the petitioner feels aggrieved by the punishment imposed upon him in the departmental proceeding, he may take legal recourse before appropriate forum in accordance with law because imposition of punishment in departmental proceeding is not subject matter of the present petition.

Accordingly, this contempt petition stands disposed of with the above stated observation.

Personal appearance of opposite party no.7 is dispensed with.

(Hemant Kumar Srivastava, J)

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