

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10821 of 2013

Dr. Krishna Kumar Prasad, Son of Late Nand Kishore Prasad, Resident of Govardhan Dham, Caster Town, B. Deoghar, P.S., P.O. and Town Deoghar, District- Deoghar

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Animal Husbandry, Govt. of Bihar, Patna
2. The Additional Secretary, Department of Animal Husbandry, Govt. of Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 20-03-2015

Heard learned counsel for the parties.

2. Petitioner superannuated while serving as veterinary doctor with effect from 31.10.2014. Earlier he has filed this writ petition on 17.05.2013 assailing his suspension order bearing Memo No. 347 dated 16.04.1996, Annexure-1 passed after he was made accused in a case registered in connection with fodder scam bearing RC64(A)/ 1996. It is said that besides the said case petitioner has also been made accused in two other cases. Notwithstanding the aforesaid suspension order the departmental proceeding against the petitioner was never initiated. He, however, continued under suspension and kept receiving the subsistence allowance until the date of superannuation. After superannuation suspension order is deemed

to be revoked. Petitioner is not being paid his retiral dues as he is accused in aforesaid three criminal cases, which are pending trial and till date only half of the charge-sheet witnesses have been examined.

3. Let petitioner represent before the Departmental Secretary for payment of his retiral dues, which should be considered in accordance with law in the light of the provisions of Pension Rules and relevant circulars of the State Government whereunder he is entitled for payment of 90% of the retiral dues during the pendency of the criminal cases. Appropriate order in this regard be passed by the Secretary of the Department as early as possible, in any case, within one month from the date of receipt of the representation annexing a copy of this order before the Secretary.

4. This petition is, accordingly, disposed of.

(V.N. Sinha, J.)

Rajesh/-

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