

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.601 of 2011

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Rama Ballabh Choudhary, son of Late Ram Khyali Choudhary, resident of Village-
Sahasram, P.S. Biroul, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Animal Husbandry & Fisheries Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Animal Husbandry & Fisheries Department, Bihar, Patna.
4. The Director, Animal Husbandry, Animal Husbandry Directorate, Bihar, Patna.
5. The Regional Director, North Bihar Region, Animal Husbandry, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajani Kant Mishra, Advocate.

For the Respondents : Mr. Harsh Singh, A.C. to G.P. 2

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 27-03-2015

During the pendency of the writ
petition petitioner left for his heavenly abode on
22.04.2011. Let his name be expunged from the
array of parties and his wife, son be substituted in
his place as Petitioner Nos. 1, 2.

2. Interlocutory Application No. 3931
of 2011 is, accordingly, disposed of.

3. Heard learned counsel for the
substituted petitioners and the State.

4. Husband of Petitioner No. 1 earlier
served as Class-III employee in the office of the
Regional Director, Animal Husbandry, North Bihar



Region, Muzaffarpur. He has filed this writ petition assailing order contained in Memo No. 235 dated 19.03.2010, whereunder he has been served with Government order withholding his pension. Perusal of the Government order indicates that husband of Petitioner No. 1 was made accused in a fodder scam case bearing R.C. 30(A)/96, has been convicted in the said case under judgment dated 16.08.2002, whereafter he challenged his conviction before the High Court in Cr. Appeal No. 510 of 2002. During the pendency of the aforesaid Cr. Appeal, his pension has been withheld with reference to Rule 43(a) of the Bihar Pension Rules. It is submitted on behalf of the petitioners that close perusal of Rule 43(a) of the Bihar Pension Rules would indicate that with reference to the said provision pension of husband of Petitioner No. 1 could be withheld only with regard to his future conduct. In the present case according to the petitioners future conduct of husband of Petitioner No. 1 has not been such that his pension is required to be withheld.

5. I regret not to accept the aforesaid

contention of the learned counsel for the petitioners in view of the fact that husband of Petitioner No. 1 being a convict in a fodder scam case which was lodged against him and others while he served as a Class-III employee in the office of the Animal Husbandry Department and after his conviction the authorities have rightly withheld his pension.

6. There is no merit in the writ petition, which is dismissed.

(V.N. Sinha, J)

P.K.P.

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