

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5163 of 2015

=====

Narendra Kumar Sharma Son of Late Ram Naresh Sharma resident of
Mohalla Chhoti Badalpur (Baulipar) P.S. Khagaul District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department, Bihar Vikash Bhawan New Secretariat Patna.
2. The Accountant General Bihar, Patna Birchand Patel Road
3. The Under Secretary, Agriculture Department, Bihar Vikash Bhawan New Secretariat Patna.
4. The Deputy Secretary, Agriculture Department, Bihar Vikash Bhawan New Secretariat Patna.
5. Treasury officer Bhagalpur, Bhagalpur.
6. The District Magistrate, Bhagalpur.
7. State Bank of India Main Branch, Khanjerpur, Bhagalpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pravina Kumari, Adv
For the State : Mr. Alok Ranjan AC to GA-13
For the A.G. Bihar : Mrs Namrata Mishra,
For the SBI : Mr. Rakesh Kumar Singh, Adv

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 21-04-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner has a grievance as with regard to non payment of final pension, final gratuity, leave encashment as also commutation of pension, this Court in absence of any challenge by him to the Government resolution dated 16.08.2011, initiating a departmental proceeding against him for committing misconduct would not find any



merit in the application because unless the aforesaid departmental proceeding is closed exonerating him of the charges, he cannot claim payment of final pension and other retirement benefits as per the Government decision.

Nonetheless, since such departmental proceeding against the petitioner who has already retired from service on 31.01.2014, cannot be kept pending for an indefinite period, this Court would accordingly direct the competent authority to ensure that the departmental proceeding against the petitioner is concluded within a period of six months from the date of receipt of this order so that whatever may be ultimate outcome of the departmental proceeding in terms of Rule-43(b) of Bihar Pension Rules, the petitioner may be at least given his due amount of final pension, gratuity, leave encashment and commutation of pension in terms of final order of disciplinary authority.

As the petitioner is facing allegations of

misconduct, this Court is not inclined to grant any interest on the aforesaid amount of pending retirement benefit.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

Ranjan/-

U			
---	--	--	--