

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14534 of 2012

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Saroj Ranjan Prasad S/O Late Ramanand R/O Mohalla- Rukhanpura, Navneet Colony, Police Station- Danapur, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Minor Irrigation Department, Bihar, Patna.
2. The Accountant General, Birchand Patel Path, Bihar, Patna
3. The Secretary Water Resources Department, Government Of Bihar, Patna
4. The Secretary Minor Irrigation Department, Government Of Bihar, Patna
5. The Engineer-In-Chief Water Resources Department, Government Of Bihar, Patna
6. The Engineer-In-Chief Minor Irrigation Department, Government Of Bihar, Patna
7. The Deputy Secretary Water Resources Department, Government Of Bihar, Patna
8. The Joint Secretary Minor Irrigation Department, Government Of Bihar, Patna
9. The Deputy Director, Provident Fund Pant Bhawan, Bailey Road, Bihar, Patna
10. The District Provident Fund Officer, Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. JIWAN PRAKASH SINHA

For the Respondent/s : Mr. HARENDRA PD. SINGH GA8

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 30-01-2016

The petitioner was appointed as Assistant Engineer on 1st February, 1973 in the Water Resources Department, Govt. of Bihar. He retired on 31.05.2003 as Executive Engineer from the Irrigation Division, Darkha Pakaribarawan, Nawadah.

A departmental proceeding was initiated under resolution of the government dated 09.02.1998 and charges were framed on 07.02.1998. The inquiring officer found him guilty of the charges



vide his inquiry report dated 25.07.2000. The disciplinary authority directed punishment of recovery of a sum of Rs.4,51,114/- for the loss caused to the government and his pension was further reduced by 30% for a period of five years. The petitioner had challenged the proceeding and the order of punishment dated 26.09.2005, which was quashed by this court and the matter was remitted vide order dated 13.02.2012 passed in CWJC No. 13094 of 2005.

On remand, the department after considering his case, observed that the petitioner would be entitled to 90% provisional pension, 90% of gratuity, and a sum of Rs.4,51,114/- would be adjusted against his other retiral benefits. There is no clear cut statement either on behalf of the State or the Accountant General's Office, whether the petitioner has been paid the rest of the dues after passing of the order punishment dated 10.07.2013 contained in Annexure-C to the counter affidavit of the State.

It goes without saying that the respondent would ensure the payment of rest of the dues other than one not covered under the order of penalty within three months from today, if not already paid, failing which, the petitioner would be entitled to interest. It also goes without saying that in case the petitioner is aggrieved by order of punishment dated 10.07.2013, he would be at liberty to challenge the same.

Let a copy of this order be forwarded to the respondent nos. 2, 3 and 4 by the Office of the High Court as well as by the Office of the respective counsel of the State and Accountant General Office.

(Samarendra Pratap Singh, J)

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