

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10824 of 2016

=====

1. Manjula Sinha W/o Late Kalika Prasad Sinha

2. Arun Kumar Shrivastava S/o Late Kalika Prasad Sinha

Both residents of Gudari Bazar, Laheriasarai, Police Station Laherisarai, District -
Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

2. The Secretary, Agriculture Department Government of Bihar, Patna

3. The Secretary, Appointment (Agriculture) Government of Bihar, Patna

4. The Additional Secretary (Agriculture) Department, Government of Bihar,
Patna

5. The Director (Administration) Directorate of Agriculture, Government of
Bihar, Patna

6. The Director, Agriculture Department, Government of Bihar, Patna

7. The Joint Secretary, Agriculture Department, Government of Bihar, Patna

8. The Collector, Darbhanga

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sarvendra Kumar Verma with
Mr. Jai Vardhan Narayan, Advocates

For the Respondent/s : Mr. Kumar Pankaj, AC to SC 5

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 16-09-2016

Heard learned counsel for the parties.

The petitioners, who are wife and sons of late Kalika Prasad Sinha respectively, have moved the Court seeking a direction for payment of retiral dues of the deceased.

At the very outset, learned counsel for the State submits

that late Kalika Prasad Sinha was subjected to criminal trial as well as departmental proceeding where, in the criminal case he was convicted and in the departmental proceeding also an order of dismissal was passed. However, in appeal, the delinquent was acquitted and based on that an application was filed before the authority to grant all pensionary benefits. It is submitted that the criminal trial and departmental proceeding being separate, once dismissal order is passed, the same not having been set aside, the pensionary benefits of late Kalika Prasad Sinha can be granted only in terms of the said dismissal order.

Faced with the situation, learned counsel for the petitioners submits that he may be allowed to withdraw the writ petition with liberty to assail the order of dismissal before the appropriate forum in accordance with law.

In view of the aforesaid, as prayed for, by learned counsel for the petitioners, the writ petition stands disposed off as withdrawn with the liberty aforesaid.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.09.2016
Transmission Date	N/A