

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11076 of 2014

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Nityanand Das, S/o Late Ghutar Das, R/o Vill + P.O.- Mirjafari, P.S.-
Kharik Bazar, Dist.- Bhagalpur, Patna

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar
2. The Principal Secretary, Co-Operative Department, Bihar, Patna
3. The Joint Secretary, Cooperative Department, Bihar, Patna
4. The Registrar, Co-operative Societies, Bihar, Patna
5. The Joint Registrar, Cooperative Societies, Bihar, Patna
6. The Joint Registrar, Cooperative Societies, Magadh Division, Gaya
7. The District Cooperative Officer, Purnia

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pashupati Pd. Sinha

For the Respondent/s : Mr. D.K.Sinha, A.A.G-2.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

4 22-10-2016 Counsel for the petitioner and counsel for the State

pray for time.

However, counsel for the State submits that a proceeding was started against the petitioner vide departmental Resolution No.5020 dated 04.12.2013. As the petitioner was to superannuate on 31.01.2014, his suspension order was revoked w.e.f. 31.01.2014 and the departmental proceeding was converted under Rule 43 (b) of Bihar Pension Rule, 1950 which is continuing. He further submits that 90% of pension and gratuity have been approved.

In my view, as the proceeding was started in the year

2013, the respondents are directed to conclude the departmental proceeding within a period of four months and on conclusion of the proceeding, the respondents concerned would make payment of the admitted dues to the petitioner without any delay.

It goes without saying that, in case, the petitioner is aggrieved by order in the proceeding under Rule 43 (B) of Bihar Pension Rule, it would be open for him to challenge before the appropriate authority.

Let a copy of this order be communicated to the Principal Secretary, Co-operative Department, Bihar, for immediate compliance.

(Samarendra Pratap Singh, J)

AnilKrSinha/-

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