

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15333 of 2015

Rizwan Ahmad son of Md. Soyeb Resident of village - Banori, Police Station -
Simri, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner cum Principal Secretary,
Commercial Taxes Department, Govt. of Bihar, Patna.
2. The Additional Secretary, Commercial Taxes Department, Govt. of Bihar,
Patna.
3. The Additional Commissioner, Commercial Taxes Department, Govt. of Bihar,
Patna.
4. The Joint Commissioner, Commercial Taxes Department, Govt. of Bihar,
Patna.
5. The Joint Commissioner, Commercial Taxes (Adm.), Darbhanga Division,
Darbhanga.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Md. Sufiyan, Advocate

For the Respondent/s : Mr. Ajay Kumar Sharma, AC to PAAG-I

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 20-08-2016

Heard learned counsel for the parties.



Learned counsel for the petitioner submits that though initially the writ petition had been filed seeking quashing of the order dated 12.02.2015 by which proceeding under Section 43 (b) of the Bihar Pension Rules, 1950 had been initiated and further seeking direction to pay the entire post retiral dues, but during the pendency of the writ petition, final orders have been passed in the departmental proceeding on 08.04.2016. He submits that in view of the aforesaid, he is restricting his prayer for payment of retiral benefits in terms of the order of punishment. He further prays that liberty may be given to him to challenge the said order, if so advised. Copy of the same has been produced. Let it be kept on record.

Having considered the matter, the Court finds that now the concerned respondents are duty bound to settle the retiral benefits of the petitioner without any further delay.

Accordingly, the writ petition stands disposed off in the following terms:

- (i) The petitioner, along with the copy of this order, shall appear before the respondent no. 5 within one month from today.
- (ii) The respondent no. 5 shall ensure that all legal formalities required for payment of retiral benefits are completed within the next one week.
- (iii) Thereafter it shall be the duty of the respondent no. 5

to ensure that all admitted post retiral dues of the petitioner are paid within the next two months.

The petitioner is at liberty to challenge the final order passed in the departmental proceeding dated 08.04.2016 in accordance with law. It goes without saying that if the petitioner succeeds in getting any relief, the payment made to him as per the position today, shall be revised in terms of the relief granted to the petitioner and he shall be entitled to further payment in accordance with law, as the case may be.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
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