

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5946 of 2014

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Kirandeo Kumar Son Of Ras Bihari Paswan Resident Of Village Kamaruddin Nagar, Post Office Kamaruddin Nagar, Police Station Begusarai Muffasil, District Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna
2. The Chief Secretary, Government Of Bihar, Patna
3. The Agriculture Production Commissioner-Cum-Principal Secretary, Department Of Agriculture, Government Of Bihar, New Secretariat Building, Patna
4. The Director, Agriculture, Directorate Of Agriculture, New Secretariat Building, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Adv.

For the Respondent/s : Mr. Nirbhay K.Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-02-2016

Most of the payment of the petitioner has already been authorized as would be evident from the affidavits filed on behalf of the concerned respondents, which are on record, which includes a counter affidavit earlier filed on behalf of the respondent nos. 3 and 4 and a supplementary counter affidavit.

A proceeding against the petitioner under Rule 43(b) of the Bihar Pension Rule is already going on which is the reason for provisional pension, gratuity having been sanctioned in favour of the petitioner. He cannot beget the benefits over and above the same till the 43(b) proceeding gains finality. No order is required to be passed at this juncture. The claim of the counsel for the petitioner for

payment of interest because of late payment is also negated for the reason that since the petitioner was under some clout and facing the departmental action the reason of delay is apparent. The petitioner may approach the competent authority for authorization of payment.

The writ stands disposed of with the above direction.

(Ajay Kumar Tripathi, J)

Prakash/-

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