

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6914 of 2014

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Rama Kant Chaudhary S/o Late Bachchan Chaudhary, Resident of Village- Narhan,
P.S. Bibhutipur, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar.
2. Executive Engineer, Murliganj Division, Koshi Project, Murliganj.
3. Executive Engineer, Water Resources Department, Bathnaha (Arariya)
4. Superintending Engineer, Water Resources Deptt., Purnea.
5. Chief Engineer, Water Resources Department, Purnea
6. The Commissioner, Water Resources Department, Bihar, Patna

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Rudal Singh, Advocate.

For the Respondent/s : Mr. Md. Irshad, AC to SC-1.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

ORAL JUDGMENT

Date: 09-09-2016

Heard learned counsel for the parties.

2. The petitioner has invoked the writ jurisdiction of this Court for the payment of retiral dues payable to the petitioner.

3. The petitioner was convicted in a trial for the offences under Section 148 and 302/34 of the Indian Penal Code and Section 27 of the Arms Act. He was convicted by the Trial Court on 03.09.1992. The Criminal appeal filed against the said judgment was dismissed on 15.01.1998.

4. On the other hand, a show cause notice was issued to the petitioner initiating departmental proceedings. An enquiry officer was appointed who submitted his report on 08.03.1994 holding the

charges proved against the petitioner for remaining absent from duty.

The second show cause notice was issued on 22.03.1994 and thereafter, an order of dismissal from service was passed on 15.01.1998. The said order has been appended with a counter affidavit as Annexure-A. Such order has not been challenged in any proceedings and has attained finality.

5. It has also been pointed out that the petitioner has been paid the amount of General Provident Fund of Rs. 57,996/- and amount of Group Insurance of Rs. 35,816/- on 24.06.2013 and 09.09.2013 respectively.

6. Since the services of the petitioner were dismissed on account of misconduct, the petitioner is not entitled to any retiral benefits such as pension, leave encashment, gratuity, etc.

7. I do not find any reason to issue any direction with regard to payment of retiral benefits in view of the order of dismissal from services of the petitioner.

8. Accordingly, this writ application is dismissed.

(Hemant Gupta, J.)

Mishra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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