

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1251 of 2013

=====

Bankeshwer Sharma Son Of Late Janki Sharma Resident Of Village - Thakur Chak,
P.O. - Garhara, P.S. - Brauni, District - Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar through Commissioner-Cum-Secretary, Water Resources
Department, Government Of Bihar, Patna
2. The Superintendent Engineer, North Koel Circle, Aurangabad
3. The Executive Engineer, North Koel Division-II, Aurangabad
4. The Present Executive Engineer, North Koel Division - II, Aurangabad

.... Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Durgesh Nandan, AAG 14

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 26-08-2016

Mr. Shashi Bhushan Singh, learned counsel submits
that Mr. Shubhesh Pandey, learned counsel, who has entered
appearance, has requested him for time.

The Court would only like to record that right from
26.07.2013, 12.08.2013, 27.08.2013, 04.09.2013 and 12.09.2013, on
the prayer of learned counsel for the petitioner, the matter was being
adjourned.

In the last order dated 12.09.2013 it has been recorded that on the ground of unauthorized leave, the authority concerned has forfeited the entire pension and gratuity of the petitioner under Section 43 (b) of the Bihar Pension Rules, 1950 (hereinafter referred to as the 'Rules'). The Court finds that the writ application seeking pensionary benefits is totally misconceived as without there being interference in the order of punishment under Rule 43 (b) of the Rules, the petitioner cannot get any benefit. Thus, the writ petition stands disposed off with liberty to the petitioner to assail the order of punishment in an appropriate proceeding, if so advised.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.08.2016
Transmission Date	N/A