

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13148 of 2014

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Rajendra Prasad Mahto Son of Late Ram Gulam Mahto resident of
Village and P.O.- Mahnar, Near Amardeep Talkies, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. Secretary, Minor Water Resources Department, Govt. of Bihar, Patna
4. Joint Secretary, Water Resources Department, Govt. of Bihar, Patna.
5. Sri Gopal Krishna Paramhans, the Joint Secretary, Minor Water Resources Department, Govt.of Bihar, Patna.
6. Accountant General (A & E), Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Advocate
Mr. Bhagya Narayan Jha, Advocate
For the Respondent State: Mr. Harish Kumar, Advocate G.P.-8
Mr. Vikash Kr. Pankaj, AC to G.P.-8
For the Accountant General: Mr. Manikant Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL JUDGMENT

Date: 08-09-2016

A counter affidavit has been filed on behalf of
the Accountant General, Bihar.

On petitioner's own admission, a departmental
proceeding had been initiated prior to his superannuation
which got converted into proceeding under Rule 43(b) of
Bihar Pension Rules.

During pendency of the departmental
proceedings, the petitioner has already been paid 90% of the

provisional pension and 90% of gratuity apart from all other dues.

Learned counsel for the State submits that only 10% gratuity and 10% provisional pension, which have been withheld pending departmental proceeding. If the petitioner cooperates, then the departmental proceeding would be concluded at an early date.

Having considered the matter, in my view, the writ petition is premature. For the reasons as noted above, this writ petition stands dismissed, subject to petitioner cooperating in the departmental proceedings which would be concluded within a period of one year.

(Navaniti Prasad Singh, J.)

Rajeev/-

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