

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2189 of 2016
IN
Civil Writ Jurisdiction Case No. 6074 of 2014**

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Dr. Surendra Kumar Singh, Son of late Raghubansh Kumar Singh, Resident of
Village Dakhin Ekowna, Police Station Udwant Nagar, District Bhojpur

.... Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Animal Husbandry Department, Government of Bihar,
Patna.
3. The Director, Animal Husbandry, Bihar, Patna.
4. The Regional Director, Central Range Animal Husbandry, Patna.
5. The Deputy Secretary, Animal Husbandry Department, Government of Bihar,
Patna.
6. The District Provident Fund Officer, Patna.
7. The Accountant General (A & E), Bihar, Patna.

.... Respondents

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Appearance :

For the Appellant : Mr. Ashok Kumar Singh, Advocate

For the Respondents : Mr. Md.Khurshid Alam-AAG12

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 07-03-2017

Delay of 43 days is condoned. I.A. No.1083 of 2017 is
allowed.

Heard learned counsel for the appellant and counsel for
the State.

Paragraph 4 is the finding based on the decision
rendered by a Division Bench in L.P.A. No.145 of 2014 (Vijay
Kumar Mishra vs. The State of Bihar & Ors.).

The statutory provision, which is in vogue in the State



of Bihar, i.e. Rule 43(c) of the Bihar Pension Rules, does not make it obligatory upon the State authorities to make settlement of final pension and gratuity since, admittedly, the appellant is facing trial in a C.B.I. Court under Prevention of Corruption Act in what is known as the fodder scam.

Till the appellant is exonerated, he cannot claim gratuity as a matter of right.

The learned single Judge has committed no error which requires rectification.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
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