IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 19368 of 2016

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Md. Shahabuddin Beg Son of Late Haji Md. Moinuddin Beg, Resident of Mohalla-Samanpura, Police Station- Shastrinagar, P.O. Bihar Veterinary College. Patna-800014.

.... Petitioner/s

Versus

1. The State of Bihar through the Commercial Taxes, Commissioner-cum-The Principal Secretary, Department of Commercial Taxes, Government of Bihar, New Secretariat, Patna.
2. The Additional Commercial Taxes Commissioner, Department of Commercial Taxes, Government of Bihar, New Secretariat, Patna.
3. The Joint Commercial Taxes Commissioner, Department of Commercial Taxes, Government of Bihar, New Secretariat, Patna.
4. The Principal Secretary, Department of Road Construction Department, Vishwarayya Bhawan, Baily Road, Patna.
5. The Accountant General , Bihar, A.G. Office, Birchand Patel Marg, Patna.
6. The Chief Secretary, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binay Kumar and Mr. Md. Najmul Hodda, Advocates
For the State	:	Mr. Vikash Kumar, S.C. 11
For the Accountant General	:	Mr. Uday Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 05-12-2017

Heard learned counsel for the petitioner; State and Accountant General.

2. The petitioner has moved the Court for the following reliefs:

> *"(i) For issuance of an appropriate writ, order or direction for payment of the petitioner's retrial dues such as Final Pension, Gratuity, Leave Encashment etc. with statutory as well as penal interest from the date the same became due.*
>
> *(ii) For issuance of any other relief or reliefs for which the petitioners may be entitled, deemed fit and proper in the facts and circumstances*

of the case."

3. The matter was heard on a number of occasions and ultimately today, the stand of the State is that in terms of the relevant provisions under the Bihar Pension Rules, 1950, the petitioner has been paid 90% provisional pension and gratuity and entire leave encashment. It was submitted that withholding of the remaining amount has been held to be permissible in terms of a Division Bench order of this Court in L.P.A. No. 145 of 2014 in the case of **Vijay Kumar Mishra vs. State of Bihar** reported as **2017(1) PLJR 575**.

4. Learned counsel for the petitioner is not in a position to controvert such stand. However, It was submitted that if any payment is not made relating to subsistence allowance and other dues, he may be permitted to file representation before the competent authority.

5. In view thereof, the writ petition stands disposed off with liberty to the petitioner to file representation before the competent authority with regard to any of his remaining dues which may not have been paid, including that of subsistence allowance, for the period of suspension. If the same is filed within four weeks from today, the authority concerned shall consider the matter and pass reasoned order within the next four weeks. If any amount is found payable to the petitioner, the same shall also be paid to him within

four weeks thereafter.

6. In view of the conduct of the State, as reflected by the stand before the Court today, the authorities would not be liable to pay Rs. 1,00,000/-, as was initially indicated by this Court in its earlier order dated 20.11.2017.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
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