

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7053 of 2016

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Ganesh Mandal son of Late Srinath Mandal resident of Village Bharat
Rasalpur, P.S.- Nathnagar, Distt- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Registration, Excise and
Prohibition Department, Govt. of Bihar, Patna.
3. The Inspector General, Registration, Bihar, Patna.
4. The District Magistrate, Banka.
5. The District Registrar, Banka.
6. The Treasury Officer, Banka.

.... Respondents

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Appearance :

For the Petitioner :
For the Respondents :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

5 14-12-2017

Heard learned counsel for the petitioner and State.

2. Learned counsel for the State submitted that the
cost imposed has already been deposited in terms of the earlier
order.

3. The petitioner had moved the Court for following
relief:-

*“That this application is for issuance of
appropriate writ/writs for quashing of order
bearing Memo No. 1665 dated 21.04.2014
whereby and whereunder 100% pension has
been seized on the basis of so called enquiry
report which was initiated for the defalcation of*



Rs. 26,22,065/- in ex-party in punfunctory manner and further be directs to make payments of arrears as well as current pension to the petitioner and/or pass such other order/orders as your lordships may deem fit and proper in the facts and circumstances of the case.”

4. It appears that the impugned order has been passed on the basis of enquiry report submitted against the petitioner holding him guilty of the charges levelled against him. The authorities, thus, ordered forfeiture of full pension of the petitioner under Rule 139 of the Bihar Pension Rules, 1950. Thereafter, the petitioner is the only person who has been convicted in the criminal case arising out of the same allegations under Sections 409, 467, 468, 471 read with Section 120B of the Indian Penal Code, 1908.

5. At this juncture, after some arguments, learned counsel for the petitioner submitted that he may be permitted to withdraw the writ petition with liberty to move in accordance with law before the appropriate forum in the event the appeal, filed by him against the aforesaid judgment and order of conviction and sentence, is allowed.

6. In view thereof, as prayed for, the writ petition stands disposed off as withdrawn with liberty aforesaid.



7. It goes without saying that cause of the petitioner shall not be prejudiced by the present withdrawal of the writ petition.

(Ahsanuddin Amanullah, J)

Ajay Gupta/-

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