

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12152 of 2014

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Narendra Kumar Verma, Son of Late Shiv Nandan Prasad, resident of Neelam Cinema Road near Sevayan Nurshing Home, P.O and P.S and District- Munghyr.

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Main Secretariat, Patna.
3. The Accountant General, Bihar, Birchand Patel Marg, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
Mr. Chandan Priyadarshi, Advocate

For the Respondent-State : Mr. Anirban Kundu, SC-24
Mr. Sudhanshu Shekhar, AC to SC-24

For the Respondent-AG : Mr. Anand Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-03-2017

The petitioner has preferred the present writ application for direction to the respondent authorities to release full pension along with its arrear with suitable interest to the petitioner who superannuated on 31st April, 1995 while working as District Land Acquisition Officer.

2. It is submitted by the learned counsel for the



petitioner that the petitioner was initially appointed as Sub District Collector on 13.02.1962. He was promoted to the post of Junior Selection Grade on 01.01.1982. While being posted as District Land Acquisition Officer, a criminal case being Complaint Case No. 22 of 1990 was instituted against him leading to his conviction vide judgment and order dated 21.05.2001, which was challenged in Cr. Appeal No. 188 of 2001. The said criminal appeal allowed vide order dated 14.12.2012 and the conviction order was set aside and the petitioner has been acquitted of the charges.

3. It is submitted that after retirement, the petitioner was paid 90% pension and gratuity and his salary for suspension period was also withheld. It is submitted that in view of the subsequent acquittal of the petitioner, the petitioner is entitled to receive 10% pension withheld by the respondents.

4. A counter affidavit has been filed on behalf of the respondent-State, wherein an order dated 05.01.2016 passed by the State Government has been annexed as Annexure-B. From perusal of the aforesaid order dated 05.01.2016, it would be evident that the respondent-State has granted full pension and gratuity to the petitioner with effect from the date of acquittal in the criminal case. However, for the period of suspension i.e. from 22.09.1978 to 11.03.1981, the State has decided not to pay anything else than the



subsistence allowance already paid to the petitioner.

5. It is stated by the learned counsel for the State that once the Government has taken a decision and passed order unless the petitioner challenges the said order, no mandamus can be issued for directing the respondents to pay full pension along with arrear and suitable interest to the petitioner from the date of his retirement.

6. I find substance in the argument advanced by the learned counsel for the State.

7. The writ application is disposed of with liberty to the petitioner that, if so advised, he would be at liberty to challenge the aforesaid order dated 05.01.2016 as contained in Annexure-B to the counter affidavit filed on behalf of the respondent-State whereby a decision has been taken to allow full pension to the petitioner with effect from the date of acquittal and not from the date of his retirement.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.03.2017
Transmission Date	NA

