

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6919 of 2016

=====

Nawal Kishore Singh @ Dr. Nawal Kishore Singh, Son of Bharat Singh, resident of village - Dahi Bhatta, P.S. Masaurhi, District Patna At Present residing at I H - 3 Gandhi Nagar, Near Kanti Factory Road, Kankarbagh, Patna- 26.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Animal Husbandry and Fisheries, Government of Bihar, Patna.
3. The Joint Secretary, Department of Animal Husbandry and Fisheries, Government of Bihar, Patna.
4. The Director, Animal Husbandry and Fisheries, Government of Bihar, Patna.
5. The Deputy Secretary, Department of Animal Husbandry and Fisheries, Government of Bihar, Patna.
6. The District Animal Husbandry officer, Bhagalpur.
7. The Accountant General, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Sharma, Advocate
For the State	:	Mr. Rishi Raj Sinha, S.C. 19
		Mr. Akhilesh Kumar Sinha, A.C. to S.C. 19
For the Accountant General	:	Mr. L. P. K. Rajgahar, S.C.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 09-11-2017

Nobody appears on behalf of the petitioner. Learned counsel for the State and the Accountant General, Bihar have assisted the Court.

2. As has been submitted by learned counsel for the State, the petitioner has been paid his other retiral dues as per his entitlement but only 90% provisional pension and entire gratuity has been withheld. It was submitted that the petitioner is facing trial in the C.B.I. case relating to fodder scam. It was submitted that as per



the amendment in the Bihar Pension Rules, 1950, the person against whom criminal cases is going on, shall be paid only provisional pension and entire gratuity will be withheld. Learned counsel also drew the attention of the Court to Annexure-A, which is copy of order dated 30.06.2016, passed in **L.P.A. No. 145 of 2015** in the case of **Vijay Kumar Mishra vs. The State of Bihar and Ors.**, in which the Court has held that such amendment having been brought in the Bihar Pension Rules, 1950, the withholding of 10% pension and entire gratuity till the pendency of the criminal case cannot be faulted.

3. In view thereof, the writ petition stands disposed off with the observation that in the event the petitioner is acquitted of the charges against him in the criminal case, he may move before the authorities concerned, as the case may be, for payment of his remaining retiral dues.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

