

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1529 of 2013

IN

Civil Writ Jurisdiction Case No. 1071 of 2009

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Dr. Hira Lal S/O Late Shri Jagdish Lal Resident Of At & P.O. - Kochas, P.S. - Kochas, District - Rohtas Presently Residing At Mohalla Power House Chaulia, Near Kali School Ranchi, Jharkhand

.... Appellant/s

Versus

1. The State Of Bihar through its Chief Secretary, Old Secretariat, Patna
2. The Principal Secretary, Animal Husbandry Govt. Of Bihar, Vikash Bhawan, Patna
3. The Director, Animal Husbandry Govt. Of Bihar, Vikash Bhawan, Patna
4. The Accountant General, Bihar, Patna
5. The District Provident Fund Officer, Bhagalpur at Ara

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhat Kumar

For the Respondent/s : Mr. AC to AAG 4

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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: 21-03-2017

Heard counsel for the appellant and counsel for the State.

I.A. No.8432 of 2013 is allowed. Delay of 84 days is condoned for the reasons indicated in the said petition.

Keeping in mind the decision which has been rendered in the case of *Vijay Kumar Mishra v. State of Bihar, reported in 2017(1) PLJR 575*, which has interpreted the law, especially Rule 43(c), which is in operation in the State of Bihar, the order impugned dated 23.1.2013 passed by the learned Single Judge in CWJC



No.1071 of 2009 is not required to be interfered with. The appeal is dismissed. The appellant will have to await the outcome of the criminal case, which is RC 48A of 1996, pending before Special Court of CBI, before he becomes entitled to the withheld 10% of the pension and gratuity.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	NAFR
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