

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1764 of 2015
IN
Civil Writ Jurisdiction Case No. 3928 of 2015**

=====

Lalan Prasad Singh, S/o Late Bihari Singh, R/o Village- Sudua, P.S. + District-
Daltenganj, At Present Residing at Ratan Bigha, P.S.- Ghosi, District- Jehanabad.

.... Appellants

Versus

1. The State of Bihar.
2. The Commissioner-cum-Secretary, irrigation Water Resource- Department,
Govt. of Bihar, Patna.
3. The Director, Revenue Administration, Water Resource Department, Govt. of
Bihar, Patna.
4. The Special Officer-Cum-Deputy Secretary, Water Resource Department, Govt.,
of Bihar, Patna.
5. The Deputy Collector Revenue Division, Water Resource, Department, Gaya.
6. The Chief Engineer, Irrigation Department, Gaya.
7. The Executive Engineer, Irrigation Department, Gaya.
8. The Superintending Engineer, Irrigation Department, Gaya.
9. The Accountant General, State of Bihar.

.... Respondents

=====

Appearance :

For the Appellant : Mr. Rama Kant Singh, Advocate
For the Respondent State: Mr. Anirban Kundu, SC-24
Mr. Pritish Kumar Lal, AC to SC-24
For the Respondent AG : Mr. Siddhartha Prasad, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 19-01-2017

The delay of 117 days is condoned on the grounds
indicated in the Interlocutory Application. I.A. No. 7920 of 2015 is
allowed.

The appellant, who was the petitioner before the writ



Court, has moved the Division Bench for setting aside the order of the learned single Judge.

A prayer was made before the writ Court for a direction to pay all retiral dues and pensionary benefits to the petitioner expeditiously and without any delay along with the consequential benefits. The learned single Judge has taken note of the fact that the petitioner was dismissed from service and that dismissal order was affirmed right up-till the Hon'ble Apex Court and, therefore, an employee dismissed is not entitled to any retiral benefit because no rule was pointed out before the learned single Judge or before this Court as to how his right for pension accrues.

The learned single Judge, however, did give leeway to the appellant by moving the authorities for settlement of his group insurance or provident fund, if deductions etc. were made in this regard. What was disallowed by the learned single Judge or given up by the appellant before him as no legal right accrued for payment of retiral benefit is again being reasserted before the Division Bench.

The audacity of the petitioner to insist with such kind of pensionary benefit when the law stands against him, compels the Division Bench not only to dismiss the appeal, but also impose a cost of Rs.5,000.00 (five thousand), which should be deposited before the Patna High Court Legal Services Committee within a period of eight



weeks from today.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.01.2017
Transmission Date	N/A

