

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6639 of 2014

=====

Yogendra Rai S/o Laxman Rai, resident of village- Rampur Shyamchand,
P.O. Rampur, P.S. Raghapur, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Health Department, Government of Bihar,
Patna
3. The Director-in-Chief, Health Services, Government of Bihar, Patna
4. The Civil Surgeon cum Chief Medical Officer, Vaishali at Hajipur,
District Vaishali
5. The District Magistrate, Vaishali at Hajipur, District Vaishali
6. The In-Charge Medical Officer, Primary Health Centre, Raghapur,
District Vaishali.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Sri Krishna Ranjan, Advocate
For the Respondent/s : Mr. Sita Ram Yadav, GP-16

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 31-07-2017 Heard both sides.

The petitioner has filed this writ petition for quashing the order dated 05.09.2014 (Annexure-6) passed by the Director-in-Chief, Health Services, Bihar, Patna whereby the Director withheld 100% pension of the petitioner, till the disposal of the criminal appeal, under Rule 43 (b) of the Bihar Pension Rules. Admitted facts that the petitioner was convicted for life in Sessions Trial No. 80 of 1988 in the year 1995 and he went to jail, thereafter, he was suspended but a few days before his retirement, the order of suspension was withdrawn. No pension was paid to the



petitioner after his retirement. The petitioner filed C.W.J.C. No. 2390 of 2012 and this Court vide order dated 25.06.2012, directed the respondents to take resort to Rule 43 (b) of the Bihar Pension Rules. Thereafter, a departmental proceeding was held and it was found that the petitioner concealed the fact of institution of the criminal case against him and he has already been convicted for life under section 302 of the Indian Penal Code and by the impugned order, the pension of the petitioner was withheld till the disposal of criminal appeal preferred by the petitioner.

Learned counsel for the petitioner, after some argument, seeks permission to withdraw this writ petition so that the petitioner may avail alternative remedy by filing appeal before the appropriate authority.

Prayer is allowed.

This writ petition is dismissed as withdrawn.

(Prabhat Kumar Jha, J)

Mahesh/-

U			
---	--	--	--

