

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9189 of 2015

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Basanti Mishra Wife of Satyendra Mishra, resident of Mohalla- Majhaulia Khabra, P.O.- Khabra, District- Muzaffarpur, retired as Block Education Extension Officer, Rosra, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar
2. The Director , Primary Education , Govt. of Bihar, New Secretariate, Patna.
3. The District Education Officer, Samastipur.
4. The District Programme Officer (Estb.) Samastipur.
5. The District Treasury Officer, Samastipur
6. The Provident Fund Commissioner, Bihar, Patna
7. The District Provident Fund Officer, Samastipur.
8. The District Treasury Officer, Muzaffarpur.
9. The Accountant General, Bihar, Birchand Patel Path, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the State : Mr. Shailesh Kumar, AC to GP-5
For the Accountant General : Mr. Ranjan Kumar, SC.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-08-2017 It is admitted by the learned counsel for the petitioner that save and except 10 % pension and gratuity, all other retiral dues have already been paid to the petitioner. He has submitted that a proceeding was initiated against the petitioner while she was in service in the year 2013 and the charge memo was issued to her to which she had already replied, but since then, no communication has been made to her in respect of the disciplinary proceeding initiated against her.

On the other hand, learned counsel for the State has submitted that in view of the provisions prescribed under Rule 43(c) of the Bihar Pension Rules, due to pendency of the



disciplinary proceeding against the petitioner, provisional pension and provisional gratuity has been paid to her.

I have heard learned counsel for the parties.

Rule 43(c) of the Bihar Pension Rules, 1950 reads as under :-

“43.(c)- Where the departmental proceeding or judicial proceeding, in which the prosecution has been sanctioned against such servant, initiated during the service period of the government servant, the amount of provisional pension shall be less than the maximum admissible amount of pension but shall in no case be less than 90 % (ninety percent).”

Having noticed the provision prescribed in Section 43(c) of the Pension Rules, learned counsel for the petitioner seeks leave to withdraw the present writ petition in order to challenge the memo of charge issued by respondents against the petitioner.

Leave is granted.

The writ petition is disposed of as withdrawn.

(Ashwani Kumar Singh, J.)

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