

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13744 of 2015

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Lalit Narayan Dubey S/o Late Sant Prasad Dubey, resident of Flat No.305,
Manorma Kokil Kunj Apartment- West Anandpuri, Boring Canal Road, P.S.-
Budha Colony, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of General Administration, Government of Bihar,
Patna.
3. The Secretary, Department of Personal and Administrative Reforms, Govt. of
Bihar, Patna.
4. The Secretary, Department of Finance, Government of Bihar, Patna.
5. The District Magistrate, Lakhisarai.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. B. P. Pandey Sr. Advocate Mr. Nirbhay Prashat Advocate Mr. Pramod Kumar Advocate
For the Respondent/s	:	Mr. GP18-Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

4 19-08-2017 Heard learned counsel for the parties.

Withholding of 10 per cent pension, gratuity and earned-leave due to pendency of a criminal case, in which the petitioner has been charge-sheeted in CBI Court is the reason for filing of the writ application.

The law supports withholding of 10 per cent pension and gratuity due to pendency of a criminal case, therefore, the decision of the respondents not to oblige the petitioner by releasing of his post-retiral claims, especially when 90 per cent



of the pension has been authorized and only 10 per cent has been withheld, is supported by law.

So far the extraordinary delay in expediting the trial by the CBI Court, Dhanbad is concerned, this Court cannot pass any direction or order or command, upon the reasons for delay for that the petitioner will have to move an appropriate superior Court or Forum for appropriate direction or remedy.

Such an observation would be uncalled for and beyond the ambit of the adjudication for which the writ application has been moved before this Court.

Writ Application is otherwise dismissed.

No relief can be granted at this juncture.

(Ajay Kumar Tripathi, J)

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