

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13815 of 2016

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Ganga Prasad Choudhary, Son of Late Anand Choudhary, Resident of Village -
Laxminiya, Police Station - Hathaudi, District - Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Bihar, Patna.
2. The Accountant General, Bihar, Patna.
3. The Treasury Officer, Darbhanga.
4. The District Education Officer, Darbhanga.
5. The District Programme Officer (Establishment), Darbhanga.
6. The Principal + 2 Shanti Nayak, High School, Baheri, Police Station - Baheri, District - Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhas Ranjan, Advocate
For the State : Mr. Madhaw Prasad Yadav, G.P. 23
Mr. Arvind Kumar, A.C. to G.P. 23

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 27-11-2017

Heard learned counsel for the petitioner; State and
Accountant General.

2. Pursuant to order dated 07.11.2017, the respondent no. 5 is present in Court. It was submitted that the respondent no. 5, is currently Incharge of the office of respondent no. 4, as he has been placed under suspension. Thus, he represents both respondents no. 4 and 5.

3. The petitioner has moved the Court for the following reliefs:

*“A. A Mandamus Commanding the
Respondents for payment of arrears of pension from*



October, 2015 to till date and also for current pension and payment of G.I.C. and the interest on G.P.G. amount for delayed payment.

B. Any other relief or reliefs for which petitioner may be found entitled to in the fact and circumstances of the present case may be granted to him.”

4. However, during the pendency of the writ petition, the petitioner was paid some amount and thereafter he has also been paid the entire retiral dues including arrears to the tune of Rs. 23,52,985/- on 18.11.2017, which has also been credited into his account. It appears that due to a charge of embezzlement, a Three Men Enquiry Committee has been constituted to look into the matter, which is still to submit its report, but in the meantime, the authorities have paid the entire dues to the petitioner.

5. In view of the fact that if there are serious charges of embezzlement of Government money against an employee, he cannot be paid the full amount till the conclusion of any enquiry to determine whether the allegation is correct. In the present case, there being allegations which, *prima facie*, cannot be said to be unfounded, as to whether there has been embezzlement, if any, by the petitioner for which a Three Men Committee has also been constituted to look into, the Court deems it appropriate to dispose off the writ petition in the following terms:



(i) The respondents no. 4 and 5 shall ensure that the Three Men Committee submits its report within a period of two months from today and thereafter within the next two weeks, the respondent no. 4 shall take a final decision in the matter.

(ii) Depending on the final order passed by the respondent no. 4, the petitioner would be obliged to take action in accordance with law in terms thereof.

(iii) However, till the matter is not finally decided, the petitioner would not spend or transfer at least Rs. 14,00,000/- from his pensionary account, which shall depend upon the ultimate order to be passed by the authorities on the charge of embezzlement against him.

6. The personal appearance of the officer stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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