

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7806 of 2015

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Ravi Ranjan Prasad Keshari, son of Srinivas Prasad Keshari, resident of Mohalla-Professor Colony, K.G. Road, Ara, P.S.-Nawada, District-Bhojpur (Ara).

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Agriculture Production Commissioner, Department of Agriculture, Government of Bihar, Patna.
3. The Principal Secretary, Department of Agriculture, Government of Bihar, Vikash Bhawan Secretariat, Patna.
4. The Additional Secretary, Department of Agriculture, Government of Bihar, Vikash Bhawan, Patna.
5. The Joint Secretary, Department of Agriculture, Government of Bihar, Vikash Bhawan, Patna.
6. The Director, Agriculture, Department of Agriculture , Vikash Bhawan, Patna.
7. The Director, Provident Fund Directorate, Bihar, Patna.
8. The District Magistrate, Gaya.
9. The District Provident Fund Office, Gaya.
10. The Treasury Officer, Gaya.
11. The Accountant General, Bihar, Birchand Patel Path, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the State : Mr. Nutan Kumari Sharma, AC to GA-1
For the AG : Mr. Rabindra Kumar Priyadashi, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-02-2017



It is an admitted position of fact that the petitioner has already been paid the amount of GPF and earned leave. He has also been paid ninety per cent amount of pension and gratuity. The respondents have withheld his ten per cent of pension and gratuity in the light of Rule 43(c) of the Bihar Pension Rules, 1950 (for short 'Pension Rules') as a proceeding under Rule 43(b) of the Pension Rules has been initiated against him in view of the allegation of certain irregularities committed by him while in service.

2. In the opinion of this Court, no illegality can be found with the order whereby ten per cent pension of the petitioner has been withheld pending a proceeding initiated against him under Rule 43(b) of the Pension Rules in view of specific provision prescribed under Rule 43(c) of the Pension Rules, which empowers the State Government to sanction provisional pension in case of a pending departmental proceeding or judicial proceeding against an employee, which shall not be less than ninety per cent.

3. Accordingly, the writ application, being devoid of any merit, is dismissed.

4. However, it is directed that respondents should conclude the proceeding initiated under the Pension Rules



without any delay, preferably within a period of four months
from the date of receipt/production of a copy of this order.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.03.2017
Transmission Date	NA

