

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2360 of 2013

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Bhagwan Dayal Tiwary S/O Keshav Tiwary Resident Of Village - Bhadwar, P.S. -
Brahmpur, District - Buxar

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources
Development Department, Govt. Of Bihar, Patna
2. The District Magistrate, Buxar
3. The District Education Officer, Buxar
4. The District Programme Officer (Establishment), Buxar
5. The District Provident Fund Officer, Buxar
6. The Treasury Officer, Buxar
7. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. B.P. Pandey, Adv.

For the Respondent/s : Mr. Manoj Kumar AC to SC-12.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 10-05-2017

Heard Mr. B.P. Pandey learned counsel for the petitioner
Mr. Manoj Kumar A.C. to S.C.-12 and the learned counsel appearing
on behalf of the Accountant General.

The petitioner filed this writ petition for a direction to the
respondents for payment of entire retiral benefit dues and arrears of
salary to the petitioner.

The brief facts which are relevant for the disposal of this
writ petition are that the petitioner being Headmaster of Middle
School Block -Bhadwar, Brahmpur, Buxar is alleged to have taken
advance for execution of different schemes and construction of



buildings. It is alleged that Rs. 13,93,714/- was lying due against the petitioner. The petitioner retired on 31.07.2012 from Middle School, Block – Bhadwar District – Buxar. This court vide order dated 12.09.2013 passed in the present case (C.W.J.C. No. 2360/2013) directed the respondents to initiate departmental proceeding and pending a departmental proceeding, the respondent were directed to sanction provisional pension, as per provision of rules of Pension and Circular thereunder. The respondents were also directed to pay G.P.F. and Group Insurance amount.

It is submitted that in pursuance of the order aforesaid, the amount of G.P.F. and Group Insurance and leave encashment have already been paid. The departmental enquiry was initiated. The enquiry officer submitted enquiry report, but the disciplinary authority has neither passed any order on the enquiry report nor released the provisional pension of the petitioner.

In reply to the aforesaid submission, learned counsel appearing on behalf of the State submits that the disciplinary authority has not passed final order on the enquiry report, although, the enquiry officer has found the petitioner guilty for keeping huge amount with him for a long period.

Having considered the submissions of the parties, the disciplinary authority is directed to pass order on the enquiry report



within three months from the date of receipt of this order and thereafter if the petitioner is not found guilty his remaining pensionary benefit should be released within one month thereafter.

With the aforesaid observation and direction, the writ petition is disposed of.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17/05/2017
Transmission Date	NA

