

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12251 of 2016**

Vishwanath Sah S/o Late Anandi Lal Sah R/o Village- Husaina Khurd, P.O.- Husaina Khurd via Bhagwanpur, P.S.- Bhagwanpur District- Vaishali. Presently residing at Mohalla- Adarsh Colony, Damuchak, P.S.- Kazi Mohammadpur, District- Muzaffarpur was working as Assistant Engineer, District Urban Development Agency, Jamui under Department of Urban Development and Housing, Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Road Construction, Bihar, Patna.
2. The Principal Secretary, Department of Urban Development and Housing, Bihar, Patna.
3. The Secretary, Department of Road Construction, Bihar, Patna.
4. The Superintending Engineer, Road Construction Division, Muzaffarpur.
5. The Director, Department of Urban Development and Housing, Bihar, Patna.
6. The Deputy Secretary, Department of Urban Development and Housing, Bihar, Patna.
7. The Executive Engineer, District Urban Development Agency, Jamui.
8. The District Magistrate-cum-Secretary, District Urban Development Agency, Jamui.

... .. Respondent/s

**Appearance :**

|                      |   |                             |
|----------------------|---|-----------------------------|
| For the Petitioner/s | : | Mr. Manoj Kumar Manoj       |
| For the Respondent/s | : | Mr. CHITRANJAN SINHA(PAAG2) |

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**  
**ORAL ORDER**

4      16-11-2017              Merely because there was an audit objection by the CAG, which was never made over to the petitioner for his response, the same cannot become a ground for withholding 10 per cent of the pension and leave encashment.

There is nothing from record to show that any departmental proceeding was initiated against the petitioner, though his name did crop up in the so called Bitumen Scam, but he never came to be charge-sheeted.

In that view of the matter, writ application is disposed off



with a direction to the respondents to settle the left over issues, sanction final pension and leave encashment to the petitioner within a period of three months from the date of production / communication of a copy of this order.

Writ Application stands disposed off.

**(Ajay Kumar Tripathi, J)**

skm/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

