

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1168 of 2016

In

Civil Writ Jurisdiction Case No. 17261 of 2011

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1. Suresh Prasad Sharma son of Ayodya Prasad Sharma, resident of village-Garobigha, P.S. Narhat, Dist.- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar represented through District Magistrate, Nawada (Mr. Manoj Kumar).
2. Sri S.M. Kaushar Deputy Development Commissioner cum- Chief Executive Officer, Zila Parishad, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Respondent/s : Mr. Manikant Mishra

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

3 15-11-2017 Heard learned counsel for the petitioner and learned counsel for the State.

Earlier the petitioner has moved before this Court vide C.W.J.C. No. 17261 of 2011 and this Court vide order dated 16.12.2014 has set aside the order passed against the petitioner and the order has taken its finality as the same has not challenged before higher court. After 16.12.2014 no action whatsoever has been taken against the petitioner. Now petitioner has superannuated, relation of master and servant is over.

As per petitioner neither Bihar Service Code nor Bihar Pension Rule applies to the petitioner nor would be



entitled to pension.

In such circumstances, after superannuation the employer cannot take action against the ex-employee.

In such view of the matter, Zila Parishad, Nawada is directed to make payment of retrial dues, if any, not paid to the petitioner.

With the aforesaid observation and direction this application is disposed of.

(Shivaji Pandey, J)

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