

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2058 of 2016

IN

Civil Writ Jurisdiction Case No. 12396 of 2016

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Dhananjay Yadav Son of Late Chotan Yadav resident of T.N.B. Law College Raod,
P.O. and P.S.- Tilkamanjhi District- Bhagalpur.

.... Appellant/s

Versus

1. The State of Bihar through Chief Secretary, New Secretariat, Bailey Road, Patna.
2. The Director, Statistical and Evaluation Department, Bihar, Patna, New Secretariat of Economics and Statistical, Bailey Road, New Secretariat, Patna.
3. The Assistant Director, Statistical and Evaluation Department, Bhagalpur, 2nd Floor, Combined Building, Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-08-2017

Seeking exception to an order dated 19.9.2016 passed by
the learned Writ Court in CWJC No. 12396 of 2016, this Letters
Patent Appeal has been filed under Clause 10 of the Letters Patent.

The appellant filed the writ petition claiming pension.
However, it is seen from the record that while in service the appellant
was prosecuted for an offence under Section 302 of the Indian Penal
Code and he was punished for life imprisonment and the order of
conviction has been upheld by the High Court and the Supreme Court
and due to his conviction in the criminal case his services were



terminated. After termination the appellant filed the writ petition claiming pensionary benefits. The learned Writ Court has held that as the petitioner is a terminated employee due to his punishment in the criminal case, pension cannot be granted to him. We find no error in the order passed by the learned Writ Court warranting reconsideration.

Pension, gratuity and other benefits are granted to the employees for the service rendered and dismissal or removal for misconduct is an impediment in grant of pension as per Rule 101 of the Bihar Pension Rules relied upon by the learned Writ Court and in rejecting the writ petition on such consideration, we see no error committed by the Writ Court warranting interference.

The appeal is dismissed.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
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