

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.670 of 2018

In
Civil Writ Jurisdiction Case No.3374 of 2017

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Jitendra Mohan Kanth, son of Late Ugra Mohan Kanth, Resident of Village
Kamalpur, P.S.- Pandaul, District- Madhubani.

... .. Appellant

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner,
General Administration Department, Government of Bihar, Patna.
2. The District Magistrate- cum-Collector, Madhubani.
3. The District Account Officer, Madhubani.
4. The District Provident Fund Officer, Madhubani.
5. The Sub-Divisional Officer, Phulparas, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Arjun Kumar, Advocate
For the Respondent/s : Mr. P.K.Verma -AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-07-2018

Defect (s) be ignored.

In C.W.J.C. No.3374 of 2017, the learned Writ Court on 13.04.2018 have rejected the prayer of the petitioner for grant of provisional pension and gratuity only on account of the fact that the petitioner is responsible for delay in concluding the departmental proceedings.

The question of grant of provisional pension pending finalization of criminal case and departmental proceeding has been subject matter of deliberation in various cases. The same is covered by the statutory provision and recently, a Full Bench of this Court in the case of **Arvind Kumar Singh Vs. The State of Bihar**,



2018(2) PLJR 933 has laid down various principles with regard to payment of provisional pension and gratuity in such cases.

Keeping in view the aforesaid, we modify the order passed by the learned Writ Court on 13.04.2018 and direct the departmental authorities to take note of the decision of the Full Bench of this Court in the case of **Arvind Kumar Singh** (supra), the rules and regulations applicable in such matters and pass appropriate order within thirty days from today. With regard to payment of provisional pension and gratuity to the petitioner, the department shall pass order keeping in view the statutory provision and the law laid down by the Full Bench of this Court in the case of **Arvind Kumar Singh** (supra). In case, the petitioner is found entitled to the pension, the same shall be paid to him. In case, the petitioner is not entitled to pension, it shall be incumbent upon to the department to hear the petitioner and pass a speaking order indicating the reasons as to why pension cannot be granted to the petitioner.

With the aforesaid modification to the order passed by the learned Writ Court, the matter stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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