

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14006 of 2008

Dr.Braj Nandan Sharma, Son of Late S.N.Thakur, resident of vill.-Ajamatpur,
P.O.-Biddupur (RS) P.S.-Rajapakar, District-Vaishali, At present 32, Jagat
Apartment, Bank Road, Patna-1.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department Animal Husbandry and Fisheries Govt. of Bihar, Patna
3. The Joint Secretary, Department of Animal Husbandry & Fisheries, Govt. of Bihar, Patna.
4. The Accountant General (A&E), Bihar, Patna
5. The Treasury Officer, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13 Mrs. Sunita Kumari AC to AAG-13

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 22-02-2018

Nobody appears on behalf of the petitioner. Learned counsel
for the State has been heard.

2. The petitioner has moved the Court for the following
reliefs:

“That this is an application for issuance of a writ
in the nature of certiorari to quash the Government
Resolution issued vide memo no. 212 Ni.Go. Dated
25.6.2008 issued and communicated to the petitioner
through the registered post under the signature of the
Joint Secretary, to the Government of Animal
Husbandry and Fisheries, Bihar, Patna, whereby and
whereunder a decision has been taken under the
provisions of Rule 43(a) and (b) of the Bihar Pension
Rule to withhold the payment of whole pension and
gratuity of the petitioner permanently on the ground of
conviction in a Criminal Proceeding by the Court of
competent jurisdiction.



And for issuance of a writ in the nature of certiorari to quash the consequential order issued from the office of the Accountant General, Bihar, Patna, vide letter contained in memo no. 653 dt. 5.8.08 under the signature of the Accounts officer, Bihar, Patna, whereby and whereunder the Treasury officer, Bihar, Patna has been requested to stop the payment of pension to the petitioner permanently.

And further for issuance of a consequential writ in the nature of mandamus commanding and directing the respondent authorities to not to withhold the pension and gratuity of the petitioner and to pay the full and final pension and other retiral benefits to the petitioner for which he is legally entitled to and also to issue any other appropriate writ/ writs, order/orders, direction/directions which may be found just and proper in the facts and circumstances stated hereunder.”

3. Counter affidavit has been filed on behalf of the State as well the Accountant General in which action of withholding pension and gratuity permanently on the ground of conviction in a criminal case has been justified. Copy of the counter affidavits was served on learned counsel for the petitioner on 26.07.2010 and 01.08.2013 respectively, but no rejoinder has been filed.

4. Having regard to the aforesaid and the fact that nobody has appeared to press the writ petition, the same stands dismissed, both on merits as well as on account of non-prosecution.

(Ahsanuddin Amanullah, J.)

Ajay Gupta/-

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