IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22439 of 2014

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Raghubir Sahu Son of Late Sukhdev Sahu Resident of Sushila Sadan, Pharmaceutical Colony, Jay Prakash Nagar, Kumharar, P.S.-Kumharar, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Commissioner Cum Principal Secretary, Commercial Taxes Department, Government of Bihar, Patna.
4. The Additional Commissioner, Commercial Taxes Department, Government of Bihar, Patna.
5. The Under Secretary, Commercial Taxes Department, Government of Bihar, Patna.
6. The Accountant General, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Tej Bahadur Singh, Sr. Advocate with Mr. Brisketu Sharan Pandey, Advocate
For the State	:	Mr. A.C. to A.A.G.-15
For the Accountant General	:	Mr. Raghwanand, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 01-08-2018

Heard learned counsel for the petitioner; State and Accountant General.

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

"That through the instant writ application the petitioner seeks the indulgence of Hon'ble Court for direction(s), writ/writs including the writ of certiorari for quashing order dated 01.09.2011 bearing memo no. 3731 issued under the

signature of Commissioner, Commercial Taxes cum Secretary, Government of Bihar, Patna whereby and whereunder the 10% of pension benefits/ pension has been withheld by respondents as also the Gratuity and Leave Encashment.

Further, upon quashing the aforesaid order dated 01.09.2011 bearing memo no. 3731, the respondents be directed through writ of mandamus to pay the entire pensionary benefits/ post retiral benefits to the petitioner including the 10% remaining pension along with the gratuity and Leave Encashment.

For declaring that the respondents were not authorized to issue letter dated 01.09.2011 bearing memo no. 3731 and thereby withholding 10% of pension as the post retiral benefits could not have been withheld owing to the ground of pendency of a criminal case.

For directing the respondents to pay the post retiral benefits including Pension, leave encashment and gratuity with the appropriate rate of interest."

3. In order dated 10.08.2017, the Court had directed the present case to be listed after disposal of C.W.J.C. No. 15328 of 2016. The said case was referred to a Larger Bench and pursuant thereto, the Larger Bench having decided the issue had sent the matter back to the

Single Bench and finally the writ petition was disposed off by judgment dated 13.07.2018.

4. In view thereof, learned counsel for the parties agree that the present case is fully covered by such decision.

5. Accordingly, the writ petition stands disposed off in terms of the judgment and order dated 13.07.2018 in C.W.J.C. No. 15328 of 2016 in the case of **Arvind Kumar Singh Vs. The State of Bihar and Ors.** The directions issued in the said case shall also cover the present case.

(Ahsanuddin Amanullah, J)

Anjani/-

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