

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9985 of 2013

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1. Bhola Prasad Mandal Son Of Jagat Prasad Mandal Resident Of Village
Kali Prasad, P.S. - Pirpanti, District - Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Chief Secretary, Government Of Bihar, Patna
3. The Secretary, Co-Operative Department, Government Of Bihar, Patna
4. The Registrar, Co-Operative Societies Bihar, Patna
5. The Joint Secretary (Vigilance) Co-Operative Department, Bihar, Patna
6. The Under Secretary, Co-Operative Department, Bihar, Patna
7. The Accountant General, Bihar, Patna
8. The Accounts Officer, Accountant General Office, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh
For the State : Mr. Bijay Kumar Sinha, AC to AAG V
For Accountant General : Mr. Raghwanand

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 29-08-2018 The writ petition has been filed challenging the notification dated 31.1.2013 whereby exercising the power under Rule 43(B) of the Bihar Pension Rules 10% pension of the petitioner has been deducted.

During pendency of the writ petition the original petitioner has passed away and an application has been filed under the Interlocutory Application No. 4405 of 2016 for substitution of wife of the petitioner in place of the original writ petitioner.

Without any objection on behalf of the State the substitution application of wife of the petitioner is allowed. Let the name of Raj Kumari Devi, wife of the deceased petitioner, be substituted in place of the petitioner.

In short, the issue arising for consideration is whether the petitioner would be entitled to any benefit on account of his



acquittal in the vigilance case for some allegation.

Counsel for the petitioner submits that the judgment of acquittal dated 25.4.2009 passed by the Special Judge, Vigilance – I, Patna, in Special Case No. 30 of 1991 has not been taken into consideration. The petitioner, therefore, may be permitted to bring the said facts to the notice of respondent No. 5, who has passed the order dated 31.1.2013 bearing No. 513 which has been impugned in this writ petition.

Whether the petitioner would be entitled to any benefit on account of his acquittal in the vigilance case has to be considered by the respondent authorities since the same has not been considered in the said order.

The writ petition is disposed of with the aforesaid direction.

The petitioner should bring these facts to the notice of the respondents within a period of four weeks from today. In the event such an application is made, the respondents should take a final decision. While doing so the order dated 31.1.2013 bearing Memo No. 513 issued by the Joint Secretary, Government of Bihar in the Cooperative Department shall not stand in the way of consideration.

(Madhuresh Prasad, J.)

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