

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16328 of 2016

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Yogendra Sah Son of Late Kamal Sah Resident of village - Barwa Parsauni, P.O.
Pirari, P.S. Mainatand (Inarwa), District - West Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Bihar, Patna
3. The Director, Primary Education, Bihar, Patna
4. The District Magistrate, West Champaran, Bettiah
5. The District Education officer, West Champaran, Bettiah
6. The District Programme officer, Sarv Siksha Abhiyan, West Champaran, Bettiah
7. The District Programme officer Establishment, West Champaran, Bettiah
8. The Block Education officer, Mainatand, West Champaran, Bettiah
9. The Headmaster Cum Drawing Disbursing officer, Govt. Middle School, Rampurwa, Block Mainatand, West Champaran, Bettiah
10. The Executive Engineer, Building Division, West Champaran, Bettiah
11. The Junior Engineer, Building Division, West Champaran, Bettiah
12. The Technical Supervisor, Building Division, West Champaran, Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Kishore Singh, Advocate
For the State : Mr. A. R. Pandey, AAG 15

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 09-08-2018

Heard learned counsel for the petitioner and State.

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



“ That this writ application is being filed for issuance of appropriate writ/writs, commanding the respondents to ensure payment of retiral dues of the petitioner i.e. Pension, Gratuity as well as benefit accruing from the commutation of pension for which the Accountant General, Bihar, Patna has already issued pension payment order (hereinafter referred to as P.P.O.) and other consequential benefits, if any, including suitable interest for the delay caused for payment of legitimate claims of the petitioner.”

3. After some arguments, learned counsel for the petitioner submitted that though pension has been started during the pendency of the writ petition but amount of more than Rupees Seven Lakhs has been withheld on the charge that the money taken by the petitioner as advance for construction of school building has been misutilized. Learned counsel submitted that the said charge is baseless but acknowledges that in view of there being an order against him, he would be required to assail the same in a duly constituted proceeding. Accordingly, learned counsel for the petitioner submitted that the writ petition be disposed off with liberty to the petitioner to assail the order of withholding of the amount from his pensionary benefits in a fresh proceeding.

4. Learned counsel for the State does not object.



5. In view thereof, the writ petition stands disposed off with liberty to assail the order of withholding of any amount of his pensionary benefits before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J)

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