

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17359 of 2016

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Pramod Kumar Kamat Son of Late Raj Kumar Kamat resident of Village- Garba,
Police Station- Phulparas, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
2. The Joint Secretary, Building Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
3. The Deputy Secretary, Building Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
4. The Director, Provident Fund, Directorate, Bihar, Patna.
5. The District Provident Fund Officer, Aurangabad.
6. The Accountant General (Accounts and Entitlement), Bihar, Patna, having his office at Birchand Patel Path, Police Station Kotwali, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rupak Kumar, Advocate
For the State	:	Mr. Ashok Kumar Dubey, Advocate
For the A.G., Bihar	:	Mr. Satyendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-08-2018

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

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

“That this writ application is filed for issuance of writ in the nature of mandamus directing the respondents to pay full pension, full gratuity, 40% commuted value of pension, general provident fund amount and leave encashment amount with statutory and penal interest.”



3. During the pendency of the writ petition, the position today is that only 10% of pension and Gratuity of the petitioner have been withheld.

4. Learned counsel for the petitioner submitted that in light of the decision of the Full Bench of this Court in the case of **Arvind Kumar Singh vs. State of Bihar** reported as **2018 (2) PLJR 933**, there being no proceeding pending against the petitioner under Rule 43 (b) of the Bihar Pension Rules, 1950, the petitioner is required to be paid the remaining amount also.

5. Be that as it may, in view of there being show cause issued to the petitioner with regard to certain charges, which is still pending, the Court is not inclined to pass any positive order on the prayer made by learned counsel for the petitioner. Further, the Court is not required to reiterate the law already laid down by the Full Bench, which is binding on the authorities. Thus, they are required to take action in terms of the order passed by the Full Bench of this Court in the case of **Arvind Kumar Singh** (supra).

6. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	

