

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.541 of 2018

In
Civil Writ Jurisdiction Case No.895 of 2017

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Uday Sharma, Son of Late Hriday Sharma, Resident of Village- Harpura,
Police Station- Bikram, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The District Panchayat Raj Officer, Patna.
4. The Block Development Officer, Bihta (Patna).
5. The Accountant General, Bihar, Patna.
6. The District Provident Fund Officer, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mrs. Anita Kumari, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam - AAG12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-06-2018

Seeking exception to an order passed on
06.02.2018 by the learned Writ Court in C.W.J.C. No. 895 of
2017 dismissing the petition on the ground of petitioner not
approaching the Court with clean hands and by suppressing
certain facts, this appeal has been filed under Clause 10 of the
Letters Patent and there being delay of 36 days in filing of the
appeal, I.A. No. 3061 of 2018 has been filed seeking
condonation of the delay.

Having heard learned counsel for the parties, delay



of 36 days in filing of the appeal is condoned. I.A. No. 3061 of 2018 stands allowed and disposed of.

On account of the fact that petitioner was facing charges of embezzlement in the discharge of his duties, departmental proceedings and criminal case were initiated against him and when his post retiral claims were not settled in accordance to the requirement of Rule 43B and C of the Bihar Pension Rules, the writ petition in question was filed.

On a perusal of the impugned order passed by the learned Writ Court we find that the Writ Court has refused to interfere into the matter on various considerations which pertains to the conduct of the petitioner in filing the writ petition.

Be it as it may be, the question of settlement of such post retiral claim after retirement and the interpretation of Rule 43 of the Bihar Pension Rules has been subject matter of consideration by a Full Bench of this Court in the case of Arbind Kumar Singh Vs. The State of Bihar (C.W.J.C. No. 15328 of 2016 decided on 04.04.2018) and in view of the aforesaid judgment, now, the State is required to decide the claim of the petitioner pertaining to settlement of his post retiral claim in accordance thereof.



Keeping in view the aforesaid, we allow this appeal
and issue the following directions:-

On the petitioner filing a certified copy of this
order, respondents shall settle the post retiral claims of the
petitioner strictly in accordance to the directions issued and the
law laid down by the Full Bench in the case of Arbind Kumar
Singh (supra), the claim of the petitioner shall be settled and
paid within a period of 45 days from the date of receipt of
certified copy of this order. As far as recovery of the amount
from the petitioner is concerned, the same shall be proceeded in
accordance to the requirement of law.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	30.06.2018
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