

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.667 of 2018

In

Civil Writ Jurisdiction Case No. 2352 of 2014

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Dharmalal Baitha, Son of Late Deodhari Baitha, Resident of Village-Basauli, P.O.- Basauli, P.S.- Kurhani, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. H.R. Srinivas, the Commissioner, Tirhut Division, Muzaffarpur.
3. Mr. Dharmendra Singh, the District Magistrate, Muzaffarpur.
4. Mr. Sunil Kumar, the Sub-Divisional Officer, East, Muzaffarpur.
5. Mr. Rang Nath Choudhary, the Addl. Collector-cum-Conducting Officer, Muzaffarpur.
6. Mr. Shankar Lal Bishwas, the Circle Officer, Aurai, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.K. Jain, Adv.
Mr. Pradeep Kumar Sinha, Adv.
Ms. Punam Srivastava, Adv.

For the Respondent/s : Mr. Mrigendra Kumar, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 01-08-2018 Learned counsel for the parties are present.

While it is the contention of Mr. R.K. Jain, learned counsel for the petitioner that the order has not been complied, Mr. Mrigendra Kumar, learned Assisting Counsel to Government Advocate No.4 files a show cause and informs that the order passed on the writ petition has been complied. He informs that the proceedings have concluded and an order has been passed under Rule 43(b) of the Bihar Pension Rules, a copy of which is also enclosed at Annexure-5 to the supplementary affidavit of the petitioner.



Contesting the position, Mr. Jain submits that under the command of this Court present in the order passed on the writ petition, the proceeding had to be concluded within 3 months of receipt/production of a copy of the order, failing which the petitioner was held entitled to all benefits. According to Mr. Jain since the order was not passed within the time stipulated by this Court it is nullity.

Having heard learned counsel for the parties and bearing note on the issue raised by Mr. Jain, I deem it proper to dispose of the contempt proceedings leaving it open for the petitioner, if so advised, to question the order dated 21.03.2018 passed by the District Magistrate, Muzaffarpur, whereby a penalty of forfeiture of 10% of pension in exercise of power vested under Rule 43(b) of the Bihar Pension Rules has been imposed on the petitioner, before the appropriate forum by filing an appropriate application by raising all issues as raised herein.

(Jyoti Saran, J)

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