

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.41 of 2018

In
Civil Writ Jurisdiction Case No.9421 of 2016

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Vijay Kumar Mishra, Son of Late Dharnidhar Mishra, Resident of Village-
Paroraha, P.S.- Sathi, District- West Champaran ... Appellant
Versus

1. The State of Bihar.
 2. The Secretary, Chief Minister Secretariat, Patna.
 3. The Officer on Special Duty, Chief Minister Secretariat, Patna.
 4. The Accountant General Bihar, Birchand Patel Marg, Patna ... Respondents
- =====

Appearance :

For the Appellant : Mr. Sanjeev Kumar Mishra, Adv.
For the Respondents 1 to 3 : Mr. Md. Khurshid Alam, AAG XII
For the AG : Mr. Arun Kumar Arun, Adv.
For Respondent No. 4 : Mr. Atul Anand, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 23-03-2018

I.A. No. 105 of 2018

Delay in filing the interlocutory application is
condoned.

Considering the fact that 90 per cent of provisional
pension have been granted to the appellant during the pendency
of the criminal case and this is accordance to the amended
provision of sub rule 43(c) of the Bihar Pension Rules, we see
no error in the order passed by the learned writ Court as the
action of the State Government in withholding 10 per cent of the
pension and gratuity is in accordance with the stipulation
contained in Section 43(c) of the Bihar Pension Rules



(amended) and are with effect from 19th July, 2012.

Accordingly, the appeal stands **dismissed**.
However, in case appellant feels that he has been falsely implicated in the criminal case, liberty is available to him for approaching the appropriate Court.

(Rajendra Menon, CJ)

(S. Kumar, J)

Shamshad/-

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