

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1303 of 2014

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Ramesh Pathak Son of Late Sita Ram Pathak, Permanent Resident of Village - Akauna, P.S. Barahara, District - Bhojpur, at Present Resident of House No. D/2 Magadh Vihar Near Babu Bazar, P.S. Anisabad, District - Patna – 2.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Old Secretariat, Bihar, Patna.
2. The Principal Secretary, State Transport Department, Bihar, Patna.
3. The Commissioner, State Transport Commissioner, Bihar, Vishwesaraiya Bhawan, Bailey Road, Patna.
4. The Secretary, State Transport Commissioner, Bihar, Vishwesaraiya Bhawan, Bailey Road, Patna.
5. The Under Secretary, Bihar, Vishwesaraiya Bhawan, Bailey Road, Patna.
6. The Accountant General (A & E), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Ojha, Advocate
For the State	:	Mr. Manoj Kumar Ambastha, S.C. 26
		Mr. Subodh Kumar, A.C. to S.C. 26
For the Accountant General	:	Mr. Raghwanand, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 02-04-2018

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

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

“That this is an application for issuance of appropriate writ/writs, order/orders, direction/directions to the respondents for payment of 10% remaining pension (Full Pension) with arrear of 10% pension, Gratuity and G.P.F. as well as statutory interest to the petitioner as soon as possible.”

3. Having considered the matter, the Court finds



that the issue stands covered by a Division Bench order of this Court in the case of **Vijay Kumar Mishra Vs. State of Bihar** reported as **2017 (1) PLJR 575**, where the Court has held that during the pendency of departmental proceeding or judicial proceeding, there being substitution in the provision of Rule 43 (b) of the Bihar Pension Rules, 1950, only provisional pension and gratuity is payable to the petitioner, which has already been done, and, thus, no relief can be granted to the petitioner, for the present.

4. In view thereof, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

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