

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1107 of 2017

In
Civil Writ Jurisdiction Case No.7386 of 2016

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Sriniwas Singh son of Late Ram Badan Singh Resident of Village - Kathatar,
P.S. - Rajpur, District - Buxar.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Director, Primary Education, Education Department, Bihar, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Magistrate, Buxar.
5. The District Provident Fund Officer, Bhojpur-cum-Buxar.
6. The Treasury Officer, Buxar.
7. The District Education Officer, Buxar.
8. The District Programme Officer (Establishment), Buxar.
9. The Accountant General, Bihar, Birchand Patel Road, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rana Ishwar Chandra, Advocate
For the Respondent/s : Mr. Ashutosh Ranjan Pandey- Aag15

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-06-2018

Seeking exception to an order dated 07.07.2017 passed
by the learned Writ Court in C.W.J.C. No. 7386 of 2016, this



appeal has been filed under Clause 10 of the Letters Patent.

On account of pendency of a departmental proceeding, pension, gratuity and other post retiral benefits of the petitioner were withheld and prayer made for grant of these benefits has been rejected by the learned Writ Court only on the ground that the petitioner is himself responsible for delay in conclusion of the departmental proceeding and, therefore, nothing can be granted to him.

The question of withholding pension and gratuity pending finalization of the departmental proceeding has been considered by a Full Bench of this Court in the case of Arvind Kumar Singh Vs. State of Bihar, 2018(2) P.L.J.R. 933 and the principles have been laid down with regard to the action to be taken in such cases and as to how the post retiral benefits like pension, gratuity have to be calculated and paid during the pendency of the departmental proceeding.

We allow the appeal in part and direct the respondent to settle the pensionary claims in the light of the law laid down in the case of Arvind Kumar Singh (supra), action be taken and benefit conferred on the petitioner in accordance with law and the principles laid down in the case of Arvind Kumar Singh(supra)



within a period of 60 days from the date of receipt/production of a copy of this order.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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