

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16663 of 2018

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Kalidas Deb Sharma, Son of Late Satya Narayan Deo Sharma, Resident of
Sharat Nagar, Sheo Mandir, Post office- New Ronia, Police Station- Maligara,
District- Darjeeling (West Bengal).

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food & Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna
3. Additional Secretary to the Government, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
4. Joint Secretary to the Government, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
5. The District Magistrate, Kishanganj.
6. The District Supply Officer, Kishanganj.
7. The Accountant General, Bir Chand Patel Path, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar, Adv.

For the Respondent/s : Mr. Kamil Akhtar, AC to AAG-5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-04-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner retired from the post of Block Supply Officer, Kishanganj on 31.07.2000. Petitioner submits that his post retiral dues have been paid except 10% of the pension which was perhaps withheld due to the pending criminal cases



against him. He submits that two criminal cases had been lodged against the petitioner and other co-accused in which cognizance as against the other co-accused have been quashed by this Court which is Annexure-P-1 and P-3 of the writ application. In pursuance to the said order passed by this Court, the two criminal cases have been closed by the learned court below on 29.03.2012 and 26.05.2012 which is part of Annexure-P-2 and P-3 of the writ application respectively. The petitioner represented before the respondent no. 2, the Secretary, Food & Consumer Protection Department, Government of Bihar which is Annexure-P-4 dated 19.02.2015 and again vide Annexure-P-7 but 10% of the withheld pension has not yet been released. Petitioner, thus, has preferred the present writ application for payment of his remaining 10% pension and also revision as per 6th Pay Revision with arrears and interest @ 12% on the admitted dues.

Considering the nature of claim made by the petitioner, petitioner is directed to file a fresh representation before the respondent no. 2, the Secretary, Food & Consumer Protection Department which would be disposed of within a period of three months from the date of filing of such representation. Any amount due to the petitioner along with



admissible interest would be paid within two months thereafter.

If certain amounts are inadmissible, the same shall be communicated to the petitioner by a speaking order sent through registered post.

Writ application is disposed of accordingly.

(Nilu Agrawal, J)

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