

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11277 of 2017

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Jay Prakash Singh S/o Late Suraj Singh Resident of Village-Chitbisrao, P.O.-
Sematar, P.S.-Guthni, District-Siwan, a retired Sub-Inspector of Police From
Khagaul Police Station, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Home
Affairs, Government of Bihar, Patna
2. The Principal Secretary, Departmen, of Home Affairs, Government of Bihar,
Patna
3. The Director General of Police, Bihar, Patna
4. The Inspector General of Police, Patna Region, Patna.
5. The Deputy Inspector General of Police, Central Range, Patna.
6. The Senior Superintendent of Police, Patna.
7. The Sub-Divisional Police Officer-cum-Enquiry Officer, Fathua, Patna.
8. The Station House, Officer, Dhanarua Police, Masaurhi, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishore Prasad
For the Respondent/s : Mr.Md.Nashrul Hoda Khan-Sc 1

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 31-07-2019 The present writ petition has been filed for payment

of balance amount of 10% pension as well as 10% gratuity and

leave encashment amount which has not been paid to the

petitioner.

The learned counsel for the respondents has submitted

that a departmental proceeding was pending against the

petitioner herein at the time of his retirement and the same is

being contemplated to be converted into a proceeding under

Rule 43(b) of the Bihar Pension Rule, hence, the aforesaid dues



of retiral benefits have not been paid to the petitioner herein.

This Court finds that as per the mandate of the law laid down by the Full Bench of this Court in the case of *Arvind Kumar Singh vs. The State of Bihar & Ors*, reported in **2018 (2) PLJR 933**, despite the pendency of a departmental proceeding, the respondents are definitely required to pay 100 % gratuity though they are not required to pay the balance amount of 10% pension and leave encashment till the conclusion of the departmental proceeding, hence, the respondents are directed to pay the balance amount of 10% gratuity within a period of eight weeks from today, failing which the Principal Secretary, Department of Home Affairs, Government of Bihar, Patna shall not draw his salary.

At this juncture, the learned Senior Counsel appearing for the petitioner submits that the respondents may be directed to expedite the pending departmental proceeding. It is directed, accordingly.

(Mohit Kumar Shah, J)

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