

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4940 of 2019

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Mithilesh Paswan (M), aged about 64 years S/o Late Baso Paswan Resident
of Village- More Pashchimi, Ward No.9, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The District Magistrate, Patna
4. The Deputy Director, Establishment, Patna
5. The District Programme Officer, Patna
6. The Block Development Officer, Athmalgola, District- Patna
7. The Block Educational Extension Officer, Athmalgola, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Onkar Nath
For the Respondent/s : Mr.Madhaw Prasad Yadav (Gp23)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner retired from the post of Assistant Teacher
from Usmanpur Middle School, Athmalgola with effect from
31.01.2015. In the present writ application, the petitioner prays
for payment of gratuity along with interest as the entire gratuity
amount of the petitioner is withheld in the wake of criminal
proceeding pending against the petitioner. The matter is now no
longer res integra as the Full Bench judgment of this Court in
CWJC No.15328 of 2016 in the case of Arvind Kumar Singh v.
State of Bihar and others with other analogous cases reported in



2018(2) PLJR 933 has held in para-25 that an employee who is facing departmental enquiry or judicial proceeding on the date of his superannuation would be entitled to provisional pension which would include gratuity to the tune of an amount not less than 90%.

Considering the Full Bench judgment, the respondent no.5 The District Programme Officer, Patna is directed to release 90% of the gratuity of the petitioner till the pendency of the judicial proceeding pending against the petitioner within a period of three months from the date of receipt/production of the copy of this order.

Writ application is disposed of accordingly.

(Nilu Agrawal, J)

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