

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.414 of 2018

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Sudhir Kumar S/o Late Yadunandan Sharma R/o Village Chainpura, P.O. - Sakurabad, P.S. - Parasbigha Amian in the district of Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Director General of Police, Bihar, Patna
2. The Additional Director General of Bihar Military Police B.M.P., Patna.
3. The Inspector General of Bihar Military Police B.M.P. Patna.
4. The Deputy Inspector General of Bihar Military Police B.M.P., Central Range, Govt. of Bihar, Patna
5. The Commandant, B.M.P. - 2, Dehri-on-Sone, Rohtas.
6. The Deputy Commandant, B.M.P. - 2, Dehri-on-Sone, Rohtas.
7. The Accountant General, Bihar, Patna.
8. The Treasury Officer, Jehanabad.
9. Subhadra Devi W/o Sudhir Kumar R/o Village Chainpura, P.O. - Sakurabad, P.S. - Parasbigha Amian in the district of Jehanabad, Bihar presently residing at Village - Mokar, Nadaul P.O. - Koraura, P.S. - Jehanabad in the district of Jehanabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Sanjeev Kumar
For the State	:	Mr.Manish Kumar, GP-4
		Mr. Manoj Kumar, AC to GP-4
For the Accountant General	:	Mr. Rabindra Kumar Priyadarshi

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 04-11-2019 The subsisting grievance of the petitioner pertains to non-payment of the amount of pension and gratuity.

The learned counsel for the petitioner submits that a departmental proceeding under Rule 43 (b) of the Bihar Pension Rules, 1950 is pending consideration, hence, the pension and gratuity amount have not been paid to the petitioner.

This Court finds that a full Bench of this Court by a judgment reported in **(2018) 2 PLJR 933 (Arvind Kumar**



Singh vs. The State of Bihar & Ors) has conclusively held that during the pendency of a departmental proceeding or a judicial proceeding or a criminal proceeding, the retired employee of the State Government is required to be paid 90 % pension and 90% gratuity amount.

This position, as existing in law, is not disputed by the learned counsel appearing for the Respondents.

Having regard to the facts and circumstances of the case, the writ petition stands disposed of with a direction to the Respondent No. 2 / competent authority to ensure payment of 90% pension and 90% gratuity amount, in case the departmental proceeding is still pending under Rule 43 (b) of the Bihar Pension Rules, 1950, within a period of eight weeks from the date of receipt / production of a copy of this order.

It is needless to state that in case, the departmental proceeding, as aforesaid, has been concluded, the consequence thereof shall follow.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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