

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4705 of 2018

In

Civil Writ Jurisdiction Case No.2726 of 2008

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1. Smt. Meena Sinha W/o Late Lala Ajay Kumar Sinha R/o Village-Jaipur, Dhanuki More, Kumahrar, P.S.-Agam Kuan, Near Panchsheel Vidyalaya, District-Patna
2. Kumari Prabha Sinha D/o Late Lala Ajay Kumar Sinha R/o Village-Jaipur, Dhanuki More, Kumahrar, P.S.-Agam Kuan, Near Panchsheel Vidyalaya, District-Patna
3. Archana D/o Late Lala Ajay Kumar Sinha R/o Village-Jaipur, Dhanuki More, Kumahrar, P.S.-Agam Kuan, Near Panchsheel Vidyalaya, District-Patna

... .. Petitioners

Versus

1. The State of Bihar through the Inspector General of Police Crime Investigation Department having his office in Old Secretariate, P.S.-Sachivalaya, District-Patna
2. The Superintendent of Police (C) Crime Investigation Department having his office in Old Secretariate, P.S.-Sachivalaya, District-Patna
3. The Superintendent of Police (D) Crime Investigation Department having his office in Old Secretariate, P.S.-Sachivalaya, District-Patna
4. The Deputy Superintendent of Police (Accounts) Crime Investigation Department having his office in Old Secretariate, P.S.-Sachivalaya, District-Patna
5. The Accountant General Bihar, Patna Birchand Patel Marg, P.S. Kotwali, Patna

... .. Opposite Parties

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Appearance :

For the Petitioners : Mr. Mukeshwar Dayal
Mr. Daya Shankar Prasad Sinha
Mr. Vikash Mohan, Advocates.

For the Accountant General: Mr. L.P.K. Rajgrihar, SC

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 31-07-2019

Heard learned counsel for the petitioners and learned
counsel for the opposite parties.



2. The present petition has been filed for modification of the order dated 28.08.2017 passed in C.W.J.C. No. 2726 of 2008.

3. Learned counsel for the petitioners submits that subsequent to passing of the aforesaid judgment dated 28.08.2017, a Full Bench of this Court has passed an order in C.W.J.C. No. 15328 of 2016 and analogous cases (*Arvind Kumar Singh Vs. the State of Bihar and others*) reported in *PLJR 2018 (2) 933* to the effect that in view of Section 27 of the Bihar Pension Rules which provides that pension includes gratuity, the State Government is not empowered to withhold gratuity of an employee who is facing a departmental inquiry or judicial proceeding on the date of his superannuation.

4. Learned counsel for the petitioners however accepts that the judgment of the Full Bench was not available on the date when the judgment of writ Court was passed on 28.08.2017 and as such no error has been pointed out requiring modification of the judgment dated 28.08.2017.

5. The modification petition stands dismissed.

(Vikash Jain, J)

Ibrar/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.08.2019
Transmission Date	N.A.

