

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4445 of 2017

=====

Gopal Jee Sahay Son of Late Raghubir Prasad, Resident of Mohalla- Naya Tola, Saristabad, Patna, P.O.- GPO, P.S.- Gardanibagh, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Art, Culture and Youth Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Principal Secretary, Finance Department, Government of Bihar, Patna.
5. The Joint Secretary, Art, Culture and Youth Department, Government of Bihar, Patna.
6. The Accountant General, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sinha
For the Respondent/s : Mr.Awanish Nandan Sinha, GP-21

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 24-07-2019 The only grievance of the petitioner in the present case is regarding non-payment of 10 per cent amount of pension and gratuity.

The learned counsel for the respondents submits that on account of pendency of a vigilance case, wherein charge sheet has already been filed, 10 per cent amount of pension and gratuity has been withheld.

Having regard to the law laid down by the Full Bench of this Court in a judgment reported in **2018(2) PLJR 933 (Arvind Kumar Singh vs. The State of Bihar & Ors)**, the



respondents cannot withhold 10 per cent amount of gratuity, even if a criminal case or a departmental proceeding is pending against a retired employee.

Having regard to the facts and circumstances of the case, the present writ petition is disposed off with a direction to the respondent no. 5 to release the 10 % balance amount of gratuity, forthwith. As far as 10 per cent amount of pension is concerned, the same would be subject to the final outcome of the pending vigilance case.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

