

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5650 of 2018

Chandeshwar Singh Yadav Son of Late Rital Singh, Resident of Near Telephone Office, New Bypass Road, Anisabad, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Works Department, Vishwesharaiya Bhawan, Bailey Road, Patna
2. The Secretary, Rural Works Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
3. The Principal Secretary, Finance Department, Old Secretariat, Patna.
4. The Treasury Officer, Supaul Treasury, District- Supaul.
5. The Treasury Officer, Patna Nirman Bhawan, Patna.
6. The Accountant General Accounts and Entitlement, Bihar, Patna, Birchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rupak Kumar
For the Respondent/s	:	Mr.Kameshwar Prasad Gupta -Gp10
	:	Mr. Ashok Kr. Gupta
For A.G.	:	Mrs. Namrata Mishra

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-11-2019

1. The present writ petition has been filed for grant of balance amount of 10% gratuity and leave encashment amount.

Admittedly, as per the Full Bench judgment rendered in the case of **2018 (2) PLJR 933 (Arvind Kr. Singh v. State of Bihar)**, the petitioner is not entitled to 10% remaining pension and 10% remaining gratuity as also the leave encashment amount at the moment, in view of pendency of a departmental proceedings, purportedly under **Rule 139 of the Bihar Pension Rules**.

2. The learned counsel for the petitioner submits that



despite a show cause notice having been issued on 28.08.2017 under ***Rule 139 of the Bihar Pension Rules*** and the petitioner having filed reply thereof, no final decision is being taken and the petitioner is being denied payment of the balance outstanding amount of retiral dues, as aforesaid.

3. Having regard to the facts and circumstances of the case, I deem it fit and appropriate to dispose off the present writ petition with a direction to the respondent- State/ disciplinary authority of the petitioner herein to conclude the proceedings initiated vide letter dated 28.08.2017, as aforesaid, within a period of six weeks from today and thereafter, pay the outstanding amount of retiral dues, as found admissible, in accordance with law.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.11.2019
Transmission Date	NA

