

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4588 of 2018

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Din Bandhu Pathak S/o Late Jagdish Pathak, R/o Bandhu Bhawan, Mohalla-
New Club Road, P.S.-Aurangabad Town, District-Aurangabad.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Rural Works Department, Bihar, Patna.
2. The Secretary, Rural Works Department, Bihar, Patna.
3. The Secretary, Building Construction Department, Bihar, Patna
4. The Additional Secretary, Rural Works Department, Bihar Patna
5. The Joint Secretary, Rural Works Department, Bihar, Patna.
6. The Deputy Secretary, Rural Works Department, Bihar, Patna.
7. The Executive Engineer, Local Area Engineering Organization Division-1, Sasaram.
8. The Sectional Officer, Rural Works Department, Bihar, Patna.
9. The Accountant General, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Singh
For the Respondent/s	:	Mr. Manish Kumar, AC to AAG 6
For Accountant General	:	Mr. Namrata Mishra

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 21-05-2019 Matter has been listed today in the Summer Vacations

as the learned Counsel for the petitioner was desirous for

consideration of his case during vacation.

The slip for listing was filed pursuant to notice dated
8th May, 2019, published prior to the Vacation.

The matter is, accordingly, taken up for consideration

as both parties are present and willing to assist the Court for

disposal of the matter.



Pensionary dues of the petitioner have been kept pending to the tune of 10% as well as the benefits on account of leave encashment.

It is specific stand of the respondents is that due to pendency of the departmental proceeding the said benefits have been withheld, however, the petitioner has already been paid 90% provisional pension, gratuity and other benefits.

Counsel for the petitioner submits that though enquiry report dated 20.10.2010 has exonerated the petitioner from all the charges, no final decision has been taken by the Disciplinary Authority till date leading to withholding of part of the petitioner's retiral dues. He submits that he may be granted liberty to initiate appropriate legal proceedings since no action has been taken on enquiry report dated 20.10.2010 till date.

In view of the said submission, keeping the writ petition pending would serve no useful purpose. The writ petition is disposed of with liberty to the petitioner to initiate appropriate legal proceedings in view of enquiry report dated 20.10.2010.

(Madhuresh Prasad, J)

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