

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11836 of 2018

Arbind Kumar Verma son of Late Bhagwan Prasad, resident of Village-Khajuria, P.S. Sathi and District- West Champaran at present residing at Ward No. 11, Hanumangharhi, P.S. and District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The Special Works Officer, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Sub Divisional Officer, Maharajganj.
5. The Provident Fund Officer- Cum- Treasury Officer, Gopalganj.
6. The Accountant General A and E, Bihar at Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kr. Sinha
	:	Mr. Bhola Kumar
	:	Mr. Ashish Sinha
For the Respondent/s	:	Mr.Arvind Ujjwal – Sc-4
For A.G.	:	Mrs. Namrata Mishra

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 05-08-2019 The learned counsel for the State fairly submits that the admitted retiral dues have already been paid to the petitioner herein except 10% amount of pension, 100% gratuity and some amount of leave encashment on account of pending departmental proceedings. It is submitted that on account of amendment in the Bihar Pension Rule brought about by a notification dated 21.01.2019, no amount of gratuity is payable during the pendency of the departmental proceeding.

At this juncture, the learned Senior counsel for the



petitioner submits that the ongoing departmental proceeding is pending since the year 2013 and the Inquiry Officer has already exonerated the petitioner, hence there is no possibility of passing of any major punishment as against the petitioner herein.

To the aforesaid submission of the learned Senior counsel, the learned counsel for the respondent- State has submitted that if the petitioner files reply to the second show cause within one week from today, the final order, in the ongoing departmental proceeding, shall be passed within a period of two weeks thereafter.

It is directed accordingly.

The present writ petition stands disposed off on the aforesaid terms, with liberty to the petitioner to agitate his grievances for the balance outstanding amount of retiral dues after completion of departmental proceeding i.e. upon passing of a final order.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

