

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4696 of 2019

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Anmesh Singh Son of Late Ramdash Singh, Resident of Village- Pathakbigha,
P.S.- Hulasganj, Distt.- Jehanabad, Presently residing at Flat No. 83, Block
No. 2, Sector-3, LIG Bahadurpur Housing Colony, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Planning and Development Department Govt. of Bihar, Patna.
3. The Engineer in Chief, Local Regional Engineering Organization, Planning and Development Department Govt. of Bihar, Patna.
4. The Secretary, Finance Department Govt. of Bihar, Patna.
5. The Accountant General, Govt. of Bihar, Patna.
6. The District Magistrate, at Motihari, District- East Champaran.
7. The Superintending Engineer, Local Regional Engineering Organization, Tirhut Division Muzaffarpur.
8. The Executive Engineer, Local Regional Organization, Work Division Motihari, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri
For the Respondent/s : Mr.Vikash Kumar (SC11)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

9 14-09-2020 Heard both sides.

The matter has been taken up through video conferencing.

Counter affidavit has been filed on behalf of the respondents. On 25.08.2020 the learned counsel for the petitioner sought adjournment to file reply to the counter affidavit but the reply has not yet been filed.

The petitioner, in this writ petition, seeks direction to the respondents for payment of retiral benefits to the petitioner. The petitioner was working as Junior Engineer in Rural



Engineering Organization, Motihari, district East Champaran, and he superannuated from service on 31.10.2015.

The State respondents filed counter affidavit and in paragraph 15 it is stated that GPF and GIC have already been paid to the petitioner. 90% provisional pension has also been sanctioned. 10% provisional pension and other retiral benefits are withheld since departmental proceeding and criminal case are going on against the petitioner and remaining amount shall be paid after final outcome of the departmental proceeding and the criminal case.

Having considered the facts, I dispose of this writ petition as the retiral benefits and 90% provisional pension have already been paid to the petitioner and the authority has rightly withheld 10% provisional pension and other retiral benefits during the pendency of departmental proceeding and criminal case. The petitioner may move this court again if he is aggrieved by the outcome of the departmental proceeding.

With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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