

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10876 of 2017

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Ram Ash Pandey Son of Late Radha Pandey, Resident of Sri Niketan Sattedar
Lamberdar Gate, Gali no.-1, Ward No,-10, Kanserwa Fazalganj, P.S., Modal,
Sasaram, District,Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Minor Water Resources Department, Vikash Bhawan, New Secretariat, Patna.
3. The Chief Engineer South, Minor Water Resources Department, Shekhpura More-Airport Road, Patna.
4. The Superintending Engineer, Minor Irrigation Circle, Gaya
5. The Executive Engineer, Minor Irrigation Division, Gaya.
6. The Accountant General Bihar, Birchan Patel path, Patna.
7. The Finance P.C.F.C. Department, Flat no.-9 and 10, Transit Hostel, Birchand Patel Path, Opposite I
8. The Treasury Officer, sasaram, District, Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar
For the Respondent/s : Mr.Harish Kr.-GP-8

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 21-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for payment of the balance amount of pension and gratuity as also 40 per cent commuted value of pension to the petitioner herein who is stated to have retired as back as on 31.01.2015. The petitioner has



further prayed for payment of arrears of provisional pension from 01.02.2015 up to the month of November, 2016 apart from payment of arrears of third MACP.

The learned counsel for the petitioner has submitted that the petitioner has superannuated from his services on 31.01.2015, however, the aforesaid dues are still remaining to be paid, though it has been submitted that during the pendency of the present writ petition, the petitioner has received the difference of salary and now the only issue is regarding payment of the balance amount of pension and gratuity.

The learned counsel for the respondent-State Shri Harish Kumar has submitted that on account of pendency of a departmental proceeding under Rule 43(b) of the Bihar Pension Rules, which has been initiated vide departmental resolution dated 21.01.2017, on the charge of financial irregularities committed by the petitioner herein, the balance amount of pension and gratuity has not been paid to the petitioner herein. Nonetheless, it is submitted that the enquiry report has already been submitted on 11.01.2019 and the departmental proceeding would be concluded by passing of the final order either way, within a period of four weeks from today.

Having regard to the facts and circumstances of the case,



the present writ petition stands disposed off with a direction to the respondent authorities, especially disciplinary authority to conclude the departmental proceeding within a period of four weeks from today, failing which the respondents would be liable to release the balance amount of pension and gratuity of the petitioner herein, immediately upon completion of a period of four weeks from today.

(Mohit Kumar Shah, J)

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