

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19204 of 2018

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Prem Kumar Verma, Son of Late Ram Swarup Verma, Resident of Village Ranko Chandra Nagar, P.O. Koshi College, P.S. Muffasil, District Khagaria. At Present village Hardashchak, P.O. Koshi College, P.S. Muffasil, District Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Accountant General, Bihar, Patna.
3. The Collector, Khagari
4. The Deputy Collector, Establishment, Khagaria
5. The District Panchayat Raj Officer, Khagaria.
6. The District Provident Fund Officer, Khagaria
7. The Sub-Divisional Officer, Khagaria.
8. The Sub-Divisional Officer, Gogri, Khagaria.
9. The Block Development Officer, Allouli, Khagaria.
10. The Block Development Officer, Gogri, Khagaria.
11. The Block Development Officer, Beldour, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr.Md. Nadim Seraj- Gp5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

4 08-06-2020 Heard learned counsel for the petitioner and the respondents.

Two folds grievance have been raised by the petitioner in the present writ application.

Firstly, the grievance of the petitioner is that he has been paid the post-retiral dues after six long years, but without interest.



Secondly, the action of the respondents is arbitrary and harsh in forfeiting the salary for the period of suspension, except the subsistence allowance and stoppage of three increments.

So far as stoppage of three increments and forfeiture of 50% salary for the period of suspension is concerned, the respondents have enclosed the order dated 20.07.2010 (Annexure-A to the counter affidavit) to contend that the petitioner has not co-operated in conduct of departmental proceeding and as such decision was taken ex-parte.

On perusal of the record and after considering the submission of the parties, the Court finds substance in the submission of the petitioner. So far as the delay in making payment of post-retiral dues after delay of six years is concerned, the petitioner is legitimately entitled to payment of 6% interest from the date of retirement, which shall be paid within a period of three months from the date of receipt/production of a copy of this order.

The grievance as to stoppage of three annual increments and forfeiture of 50% salary for the period of suspension is concerned, the Court finds that the order (Annexure-1) is not in conformity with the principles of ex-parte departmental proceeding. If the petitioner has not co-operated in



conduct of departmental proceeding, the respondents were under obligation to prove the charges, but from the materials discussed in Annexure-A to the counter affidavit, no reasonable man can approve that there is reasonable application of mind by the respondents while holding the petitioner guilty and inflicting punishment.

In addition thereto, the respondents are under obligation to pass separate order, so far as forfeiture of 50% salary for the period of suspension is concerned, as no such separate order has been passed by the respondents.

Accordingly, Annexure-A is hereby quashed. The respondents are directed to provide fresh opportunity of hearing to the petitioner and the petitioner shall be under obligation to extend full co-operation and thereafter the respondents shall pass fresh speaking and reasoned order so far as stoppage of three increments and forfeiture of 50% salary for the period suspension is concerned.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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