

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12034 of 2019

Along with
Interlocutory Application No. 1 of 2019

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Subeer Kumar Bhattacharya, aged about 65 years, Gender-Male, Son of Sri Kanai Lal Bhattacharya, resident of House No. D-30, Kharkai Enclave, near Bharat Sevashram, P.S.- Sonari, Jamshedpur, District- East Singhbhum (Jharkhand) PIN- 831011.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Commercial Tax Commissioner, Commercial Tax Department, Government of Bihar, Patna.
2. The Under Secretary, Commercial Tax Department, Government of Bihar, Patna.
3. The Treasury Officer, Government of Bihar, Vikash Bhawan, Patna.
4. The Accountant General (A and E), Bihar at Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	
For the State	:	Mr. Mrityunjay Kumar, AC to AAG 6
For the Accountant General	:	Dr. Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-02-2020

Heard learned counsel for the petitioner; learned AC to AAG 6 for the State and learned counsel for the Accountant General.

2. The petitioner has filed the writ petition seeking the following reliefs:

"A. For issuance of a writ in the nature of mandamus commanding the respondents to pay full Pension, Gratuity, Leave Encashment and other post-retiral dues to the petitioner forthwith along with penal interest at the current market rate.



B. For passing any other order/s, command/s or appropriate writ/s which your lordships deem fit and proper in the facts and circumstances of the instant case."

3. Subsequently, Interlocutory Application No. 1 of 2019 has been filed seeking amendment in the writ application for adding further relief of quashing the notification contained in Memo-Kaun/V-121/2003/326/C dated 16.10.2019 by which full pension and gratuity has been permanently stopped.

4. As the present writ application has been filed seeking retiral benefits and accordingly has been placed before the roster of this Court and challenge to the order dated 16.10.2019 being a matter of departmental proceeding/disciplinary action against the petitioner, the same cannot be adjudicated in the present writ application, since the roster for considering such matters is not with the Bench which considers the retiral benefit matter, as the writ petition was originally framed.

5. In view thereof, both the writ petition as well as Interlocutory Application No. 1 of 2019 stand dismissed with liberty to the petitioner to challenge the same in a fresh duly constituted proceeding before the appropriate forum.

6. As the petitioner has been paid the entitlements under the Bihar Pension Rules, 1950 till the passing of the order dated



16.10.2019, the Court finds that nothing further can be paid to the petitioner till the time such order against him remains.

(Ahsanuddin Amanullah, J)

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