

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.12668 of 2019**

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Rajendra Pandey, S/o Late Chandra Bhushan Pandey, resident of Rajiv Nagar,
Ward No. 14, PS Gopalganj, District Gopalganj. Petitioner
Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Additional Secretary, Education Department, Bihar, Patna.
3. The Under Secretary, Education Department, Bihar, Patna.
4. The Director, Secondary Education, Bihar, Patna.
5. The District Education Officer, Gopalganj.
6. The District Program Officer, Establishment, Gopalganj.
7. The Accountant General, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan, Advocate
For the Respondent/s : Mr. Sameer Kumar, A.C. to S.C.-16

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 12-10-2020 Mr. Sameer Kumar, learned A.C. to S.C.-16 submits that

in this case the entire gratuity amount has already been paid to the petitioner in the year 2018 itself. A statement to this effect has been made in paragraph '4' of the counter affidavit. He has further submitted that the petitioner is getting 90% of his pension, however, the grievance of the petitioner is limited to the withholdment of 10% of pension amount and the leave encashment amount.

He has further submitted that the departmental proceeding against the petitioner is on the verge of conclusion as the enquiry report has already been submitted and petitioner has been served with a second show cause vide letter no. 1572 dated 21.09.2020. According to him the departmental proceeding is likely to be



concluded within a period of two months.

In view of the specific statements made in the counter affidavit, in the opinion of this Court, the writ application is not required to be kept pending. It is being disposed of with a direction to the respondent authorities to conclude the departmental proceeding within a period of two months from the date of receipt/production of a copy of this order.

So far as balance 10% of pension amount and the leave encashment amount are concerned the respondent authorities shall take a decision while concluding the departmental proceeding, in accordance with law. The petitioner shall be duly communicated the reasoned order passed by the competent authority within the aforesaid period.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

