

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.11812 of 2019**

=====

Bhuvaneshwar Singh Son of Gyani Singh R/o Flat No. 102, Akanksha Radha Palace, Harnichak Road Near Salimar Cold Storage, Harnichak Phulwari Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Rural Works Department, Govt. of Bihar, Patna.
4. The Accountant General (A and E), Bihar, Patna.

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr.Sarveshwar Tiwary, Advocate
For the Respondent/s	:	Mr.Archana Meenakshee (Gp6)
For Accountant General	:	Mr. Arun Kumar Arun, Advcoate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2020 Heard learned counsel for the petitioner and learned

GP 6 for the State as also learned counsel for the Accountant

General.

This writ application is being filed for the following
reliefs:

“1. That this writ application is being filed
for issuance of an appropriate writ/writs,
order/orders in the nature of mandamus for
directing and commanding the respondents
to pay full pension along with arrear of
pension and other post retirement benefits
to the petitioner which are the following:-
(i) Full gratuity amount w.e.f. 31.1.15 with
18% statutory interest.



(ii) Full pension along with arrear of pension w.e.f. 31.1.15 with 18% statutory interest.”

A counter affidavit has been filed on behalf of respondent nos. 1 to 3 in which while stating that the petitioner has already been sanctioned 90% of the provisional pension and 90% of the gratuity, it has also been stated in paragraph ‘7’ of the counter affidavit that due to two departmental proceedings pending against the petitioner, the respondent has withheld the balance 10% provisional pension and 10% gratuity amount of the petitioner.

Learned counsel for the petitioner having understood the difficulty in making any argument against the initiation of departmental proceedings, in the present writ application because neither there is any pleading to that effect nor any relief has been sought in respect thereof, submits that he would be satisfied if his representation as contained in Annexure ‘1’ to the writ application be considered by the Departmental Secretary and appropriate decision thereon be taken within a reasonable period.

Learned counsel also seeks live to file fresh representation within a period of 30 days.

Learned counsel for the State has submitted that the



departmental proceedings against the petitioner could not be completed because he has not filed his reply to the second show cause notice and is not co-operating with the departmental proceeding.

Learned counsel for the petitioner, however, submits that he would render all co-operation in early conclusion of the departmental proceeding.

In the given facts and circumstances of the case, without entering into the merit of the matter, this writ application is being disposed of with a direction to the respondent no. 2 to look into the representation of the petitioner as contained in Annexure '1' as also any fresh representation if made within a period of 30 days from today, consider the same and pass an appropriate reasoned order thereon within a period of three months from the date of receipt/communication of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

avin/-rajeev

U			
---	--	--	--

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'.

