

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5602 of 2018

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Shyam Sunder Singh, son of Late Subhag Lal Singh, retired Co-operative Extension Officer, Office of the Assistant Registrar Co-operative Societies, Darbhanga, Circle - Darbhanga, permanent resident of village - Maniarawa, Post Office and Police Station - Khajuali, District - Madhubani (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Co-operative Societies, Bihar, Patna.
2. The Registrar, Department of Co-operative Societies, Bihar, Vikas Bhawan, New Secretariat, Bailey Road, Patna.
3. The Joint Registrar, Tirhut Division, Department of Co-operative Societies, Muzaffarpur.
4. The Managing Director, Bihar State Food and Civil Supplies, Bihar, Khadya Bhawan, Daroga Prasad, Rail Path, Patna.
5. The Collector, Sitamarhi.
6. The District Manager, Bihar State Food and Civil Corporation Limited, Sitamarhi.
7. The Assistant Registrar, Circle Pupri, Sitamarhi Sadar, Anchal - Sitamarhi, District- Sitamarhi.
8. The District Co-operative Officer, Darbhanga.
9. The Assistant Registrar, Darbhanga Circle, Darbhanga.
10. Shri Arvind Mandal, the then Deputy Collector, Land Reforms, Pupri, District - Sitamarhi.
11. Shri Krishna Kumar, Kisan Salahkar, Bacharpur, District - Sitamarhi.
12. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Lal Das, Advocate
For the State	:	Mr. Uday Shankar Sharan Singh, GP 19
		Mr. Uday Bhan Singh, AC to GP 19
For BSFC	:	Mrs. Namrata Mishra, Advocate
		Mrs. Archana Jha, Advocate
For Accountant General	:	Mr. Vivekanand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 03-02-2020

Heard learned counsel for the petitioner; learned GP

19 for the State; learned counsel for the Accountant General and



learned counsel for the Bihar State Food and Civil Supplies Corporation Ltd.

2. The petitioner has moved the Court for the following reliefs:

- “(A) For issuance appropriate writ or writs, order or orders, direction or directions to the concerned Government Respondents Nos. 9 and 12 for the payment of remained due amount of retirement benefit viz Gratuity with Penal Interest payable thereon till the date of payment of such the gratuity amount to the petitioner.*
- (B) For quashing of alleged departmental proceeding initiated after the retirement of the petitioner which is so called pending for final order even after clean chit in the finding of the alleged initiated departmental proceeding.*
- (C) For quashing of alleged criminal proceeding against the petitioner for no fault on his part from any corner.*
- (D) For granting any other relief or reliefs to which the petitioner is found entitled for, from the concerned respondents.”*

3. On 09.01.2020, the Court had directed the authorities to make payment of gratuity, which was the only grievance remaining of the petitioner, in terms of the order of a Full Bench of this Court in ***Arvind Kumar Singh vs. State of Bihar*** reported as ***2018(2) PLJR 933***.

4. Pursuant thereto, supplementary counter affidavit has been filed on behalf of the respondent no. 2, in which it has been stated that in the departmental proceeding against the



petitioner on the allegation of financial embezzlement, final orders have been passed on 06.08.2019 by which punishment of stoppage of full pension has been imposed on him.

5. Learned counsel for the petitioner submitted that he has already filed an appeal before the Secretary, Department of Cooperation, Government of Bihar, Patna, against the said order, which is still pending.

6. Having regard to the aforesaid, the Courts finds that whatever was due and admissible, in law, has been paid to the petitioner. With regard to payment of gratuity, the same shall have to await the outcome of the challenge by the petitioner to the order of punishment passed against him dated 06.08.2019.

7. The writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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