

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22169 of 2019

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Shiv Shankar Chaudhary Son of late Alyar Chaudhary, Resident of Mohalla-
Mahua Shahid, Police Station- Aurangabad, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Education Officer, Patna.
6. The District Programme Officer (Establishment), Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar
For the Respondent/s : Mr.Madanjeet Kumar (Gp20)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

9 08-07-2020 This writ application has been filed seeking direction to the respondents for payment of entire post retiral dues benefits, which, the petitioner is legally entitled to. The petitioner was a member of the Bihar Subordinate Education Service and at the relevant point of time, he was working as Block Education Officer, Dhanarua, Patna, when he was arrested in a trap laid by the Vigilance Department on the allegation of demanding and accepting bribe of a sum of Rs.5000/-. A criminal case was instituted against him, which is still pending. A disciplinary proceeding was also initiated against him.



From the counter affidavit filed on behalf of the respondents-State of Bihar, it appears, a final decision has been taken on the disciplinary proceeding initiated against the petitioner with issuance of an order dated 04.05.2020, whereby his entire pension has been decided to be withheld, permanently.

The said decision has been taken in exercise of power under Rule 43 (b) of the Bihar Pension Rules, 1950.

In view of the fact that the said punishment has been imposed by the competent authority, unless the petitioner overcomes the said decision, the relief, which the petitioner is seeking cannot be granted.

This application is thus disposed of with a liberty to the petitioner to challenge the decision of withholding of pension, in appropriate proceeding.

(Chakradhari Sharan Singh, J)

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