

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.195 of 2021

In

Civil Writ Jurisdiction Case No.8697 of 2020

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Narendra Kumar Son of Late Bhim Raj Singh @ Prem Raj Singh Resident of
Ramjaipal Nagar Gola Road, P.S.- Rupaspur, District- Patna, Bihar.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Joint Secretary Building Construction Department, Government of Bihar, Patna.
3. The Special Secretary Road Construction Department, Government of Bihar, Patna.
4. The Additional Secretary Building Construction Department, Government of Bihar, Patna.
5. The Superintending Engineer Patna Building Circle, Patna.
6. The Executive Engineer Patna West Building Division, Danapur, Patna.
7. The Principal Secretary Road Construction Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ambuj Kumar Chandra, Advocate

Ms. Dr. Juhi Chaudhary, Advocate

For the Respondent/s : Mr. Amit Prakash, GA 30

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the



proceedings through Video Conferencing from their residences/offices.)

Date : 16-09-2021

This appeal is directed against the judgment/order dated 03.02.2021 passed in C.W.J.C. No. 8697 of 2020, titled as Narendra Kumar Vs. The State of Bihar & Ors., by a learned Single Bench of this Court.

We do not find any infirmity with the impugned order, more so in the light of the decision rendered in **Jogendrasinhji Vijaysinghji Vs. State of Gujarat and others, (2015) 9 SCC 1**. There is neither any illegality nor any perversity. In fact, the learned Single Judge has granted liberty to the petitioner to initiate appropriate proceedings. The order dated 03.02.2021 is reproduced in toto:

“Heard learned counsel for the petitioner and the respondents.

In view of the fact that the respondents have already decided to forfeit 5% pension of the petitioner for a period of five years in purported exercise of power under Rule 43(b) of the Bihar Pension Rules, the present writ application is disposed of with liberty to the petitioner that if the petitioner is aggrieved by the decision of the respondents for forfeiting 5% pension for a period of five years, he may challenge the same in appropriate proceeding before the appropriate authority.

With the aforesaid, the writ application stands disposed of.”



As such, the present appeal is dismissed.

Interlocutory Application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.09.2021
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