

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.224 of 2020

In

Civil Writ Jurisdiction Case No.5602 of 2018

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Shyam Sunder Singh, S/o 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 in C.W.J.C. No. 5602/2018)

... .. Appellant/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 Rai Path, Patna
5. The Collector, Sitamarhi
6. The District Manager, Bihar State Food and Civil Corporation Limited, Sitamarhi
7. The Assistant Registrar, Circle 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 (Respondents in the C.W.J.C. No. 5602 of 2018)

... .. Respondent/s

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Appearance :

For the Appellant/s	:	None
For the Respondent/s	:	Mr. Prabhat Ranjan, Advocate Mr. Shailendra Kumar Singh, Advocate Mr. Anjani Kumar, AAG-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)



Date : 08-09-2021

The appellant has prayed for the following relief/s :

That this Letters Patent Appeal is being filed for setting aside the order dated 03.02.2020 of the Hon'ble Mr. Ahsanuddin Amanullah, one of the justices of this Hon'ble Court passed in C.W.J.C. No. 5602 of 2018, by which the Hon'ble Single Judge has disposed of without payment of remained gratuity amount with the observation that whatever was due and admissible, in law, has been paid to the petitioner/appellant with regard to payment of gratuity, the same shall have to await the outcome of the challenge by the petitioner/appellant to the order of punishment passed against him dated 06.08.2019.

On 04.09.2021, we had passed the following order :-

“Despite repeated calls, none has entered appearance on behalf of the appellant.

However, in the interest of justice, we adjourn the matter.

List on 08.09.2021, in the category of “Order Matters”.”

Even today, none has entered appearance on behalf of the appellant. The impugned order is extracted *in toto* as under :-



“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.”

We do not find any infirmity with the impugned order, moreso, in the light of the decision rendered by the Hon’ble Supreme Court in **Jogendrasinhji Vijaysinghji Vs. State of Gujarat and others, (2015) 9 SCC 1.**

As such, the present appeal is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit/

AFR/NAFR	
CAV DATE	
Uploading Date	10.09.2021
Transmission Date	

