

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7700 of 2020

=====

Kaushal Kishore Verma, son of Late Kameshwar Prasad, resident of Road No. 8, Rajiv Nagar, P.S. Rajiv Nagar at and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer-in- Chief, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, South Bihar (Yatayat), Upbhag, Public Works Department, Patna.
4. Superintending Engineer, Road Construction Circle, Magadh Pramandal, Department, Government of Bihar, Gaya.
5. The Executive Engineer, Road Construction Division- 1, Road Construction Department, Government of Bihar, Gaya.
6. The Provident Fund Officer-Cum- Treasury Officer, Gaya.
7. The Accountant General (A & E), Bihar at Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Alok Sinha, Sr. Advocate Mr.Rajiv Ranjan, Advocate
For the Respondent/s	:	Mr.Amit Prakash, GA-13 Mr.Ravi Bhardwaj, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 12-03-2021 Heard learned counsel for the parties.

By the impugned order dated 25.02.2020, passed by the Engineer-in-Chief, Road Construction Department, Government of Bihar, the entire pension of the petitioner has been forfeited in purported exercise of power under Rule 43(a) of the Bihar Pension Rules.

Mr. Sinha, learned Senior Counsel has referred to



Rule 43(a) of the Act to contend that an action can be taken invoking the said provision only on the allegation of misconduct said to have been committed after superannuation of an employee. He has submitted that no misconduct subsequent to the petitioner's superannuation has been alleged and no proceeding in this regard has been initiated.

Though the Court pointed out to him that this could be a typographical error, Mr. Sinha has insisted that the order being beyond jurisdiction, the same requires interference by this Court.

Considering the submission made on behalf of the petitioner, the impugned order dated 25.02.2020 is set aside. The Respondents shall be free to pass an order afresh in accordance with law within a period of four weeks from the date of receipt/ production of a copy of this order.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

Rajesh/-

U			
---	--	--	--

