

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.88 of 2021**

**In**

**Civil Writ Jurisdiction Case No.8109 of 2018**

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1. The State of Bihar.
  2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
  3. The District Magistrate, Bhojpur.
  4. The Deputy Collector, Nazarat, Bhojpur.

... .. Appellant/s

Versus

Aniruddh Prasad son of Ram Bilas Prasad resident of Babu Bazar, Police Station- Ara Town, District- Bhojpur.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Manish Kumar, G.P. 4  
Mr. Ajay Kumar, AC to G.P. 4  
For the Respondent/s : Mr. Sunil Pathak, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

**Date : 17-11-2021**

Heard learned counsel for the parties.

Aggrieved by the judgment and order dated 28.09.2020 passed by a learned Single Bench of this Court in C.W.J.C. No. 8109 of 2018, titled as Aniruddh Prasad Vs. The State of Bihar & Ors., the State of Bihar has preferred this Letters Patent Appeal.

Briefly stated, the facts of the case are that the writ petitioner was posted as a Head Clerk in Nazarat section in the



district of Bhojpur and retired from said post on 31.01.2013 and thereafter the sanctioning authority sanctioned his provisional pension, provisional gratuity and other retiral benefits and he was being paid the provisional pension when a notice was issued to him with regard to not handing over of the vouchers of the advance of Rs.94,31,555/-.

It was submitted before the learned writ court that the proceeding initiated against the writ petitioner was clearly barred under Rule 43(b) of the Bihar Pension Rules as the Rules itself mandated that any proceeding against a retired employee can be initiated within four years of his retirement with respect to any misconduct committed by him before four years of his retirement. The learned Single Judge has clearly held and which is apparent from the records also, that the proceeding was initiated much after four years of his retirement and, as such, in view of the specific provision and several pronouncements of this Court, the learned writ court has allowed the writ petition and set aside the order of initiation of departmental proceedings against the writ petitioner being barred under Rule 43(b) of the Bihar Pension Rules.

We do not see any infirmity or error in the order passed by the learned Single Judge.



Accordingly, this Letters Patent Appeal is dismissed.

Interlocutory application, if any, shall also stand disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

K.C.Jha/DKS/-

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