

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19148 of 2019

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Shyam Sundar Singh, Son of Late Misri Singh, Resident of Village- Pachiya,
P.S.- Nardiganj, District- Nawada.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department,
Government of Bihar, Patna.
2. The Accountant General Bihar, Birchand Patel Path, Patna.
3. The District Magistrate, Nawada.
4. The District Panchayati Raj Officer, Nawada.
5. The Block Development Officer, Akbarpur, District- Nawada.
6. The District Treasury Officer, Nawada.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Sanjeev Kumar
For the Respondents	:	Mr.Ajay (GA 5)
	:	Mr.Shiv Kumar
	:	Mr.Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

10 30-07-2021 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

The petitioner is seeking direction in the present writ
application for payment of his post retiral dues.

This is to be noted at the outset that a proceeding
was initiated against the petitioner under Rule 43(b) of the Bihar
Pension Rules, which has culminated into passing of a final
order by the District Magistrate, Nawada dated 08.03.2021
whereby it has been decided to withhold 40% of the petitioner's
pension permanently, in view of the nature of misconduct



alleged against him.

Learned counsel appearing on behalf of the petitioner seeks liberty of this Court to question the correctness of the said order in appropriate proceeding including by way of filing writ application. He has, however, submitted that the said order dated 08.03.2021 has not been formally communicated to the petitioner and he has come to know about the said order only through supplementary counter affidavit filed on behalf of the State respondents.

Be that as it may, the petitioner shall be at liberty to question the validity of the said order dated 08.03.2021 without waiting for formal service of the said order on him, since he has learnt about passing of the said order. The petitioner shall also have liberty to prefer appeal against the said order, if permissible in law.

When the matter was taken up earlier by this Court on 11.02.2021, the Court, after having noticed that a proceeding under Rule 43(b) of the Bihar Pension Rules had been initiated against the petitioner and no final order was passed, had directed the respondents to pay the amount of arrears of provisional pension, 90% gratuity, as well as the amount under the head of General Provident Fund along with up to date



interest within a period of three weeks.

Learned counsel appearing on behalf of the petitioner has submitted that after passing of the impugned order, the respondents have stopped payment of pension. The amount of gratuity has already been paid to the petitioner.

Since now proceeding under Rule 43(b) of Bihar Pension Rules has finally concluded, the respondents shall be under obligation to pay to the petitioner, post retiral dues which he is entitled to in the light of the order of punishment. As already been indicated above, the petitioner shall have the liberty to question the correctness of the order of punishment passed under Rule 43(b) of the Bihar Pension Rules.

A dispute has been raised in respect of less payment of General Provident Fund amount than what the petitioner is entitled to. The petitioner shall be at liberty to make a representation before the District Provident Fund Officer, raising his grievance. The District Provident Fund Officer/any other officer concerned shall be under obligation to provide to the petitioner, the details regarding calculation of General Provident Fund and interest thereon and ensure that, if any, amount is still payable to the petitioner against the said head, the same is paid to him within a period of two months from the date



of receipt/production of a copy of this order.

This application stands disposed of with the aforesaid
observation and direction.

(Chakradhari Sharan Singh, J)

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