

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21313 of 2019

Amrendra Narayan Singh, aged about 61 years, Son of Late Baldeo Prasad Singh, Resident of Village + P.O.-Pama, P.S.-Saur Bazar, Via-Dhabauli, District-Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Saharsa.
5. The District Education Officer, Saharsa.
6. The District Programme Officer (Establishment), Saharsa.
7. The Block Education Officer, Block-Patarghat, District-Saharsa.
8. The Headmaster-cum-Drawing and Disbursing Officer, Middle School, Pama, Block-Patharghat, District-Saharsa.
9. The Accountant General, Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Pramod Mishra, Advocate
For the Respondents	:	Mr. Ashutosh Ranjan Pandey (AAG15)
For Accountant General	:	Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 08-07-2021 Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State as well as learned counsel appearing on behalf of the Accountant General.

While petitioner was working as Assistant Teacher in Girls Primary School, Pama, he was put under suspension in connection with Saur Bazar P.S. Case No. 88 of 2010 vide order



dated 10.04.2010. However, his suspension was revoked on 26.08.2010 and the departmental proceeding was kept in abeyance till final disposal of Saur Bazar P.S. Case No. 88 of 2010. On 04.09.2018 petitioner was convicted and sentenced in Saur Bazar P.S. Case No. 88 of 2010. However, petitioner preferred Criminal Appeal No.18 of 2018 against the judgment of conviction and order of sentence and the same is pending. On 30.03.2019, petitioner represented the authority for payment of his provisional pension.

Learned counsel appearing on behalf of the respondents would submit that the petitioner has been granted provisional pension and except for gratuity amount, all other post retiral dues has been paid to the petitioner. Learned counsel for the respondents further informs the Court that since criminal appeal of the petitioner is pending, therefore, petitioner has been paid provisional pension.

Considering the aforesaid facts and circumstances of the case, the writ application is disposed of with a direction to the respondents to provide calculation chart to the petitioner with regard to provisional pension paid to him.

It is also made clear that final pension of the petitioner shall govern by final outcome of Criminal Appeal No. 18 of



2018 which is pending consideration before the Sessions Judge,
Saharsa.

The Court hope and trust that the petitioner as well as
State will take steps for early disposal of the aforesaid criminal
appeal. In the event it is found that the provisional pension and
post retiral dues have not been paid to the petitioner, liberty
shall be available to the petitioner to file a petition for revival of
the present writ application.

With the aforesaid, the present writ petition stands
disposed of.

(Anil Kumar Upadhyay, J)

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