

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4312 of 2022

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Girjanandan Sharma Son of Late Jagdish Sharma Resident of Village-
Kamtachak, P.O.- Mittanchak, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Inspector General of Police, Bihar Military Police, Bihar, Patna.
4. The Deputy Inspector General of Police, Military Police (North Division),
Muzaffarpur.
5. The Commandant, Bihar Military Police-12 (IRB-2), Bhim Nagar, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Giri, Advocate
		Mr. Santosh Kr. Mishra, Advocate
For the Respondent/s	:	Mr. Sheo Shankar Prasad, SC 8

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 19-05-2022

Heard learned counsel for the respective parties.

2. In the instant petition, petitioner has prayed for the
following relief/reliefs:

“I. To issue an appropriate writ / order /
direction, in the nature of mandamus commanding
the respondents to make payment of provisional
pension on the petitioner with arrears.



II. To any other relief or reliefs for which the Petitioner is found to be entitled in the facts and circumstances of the case.”

3. Petitioner while working in the concerned department, he was subjected to disciplinary proceedings and it was concluded in imposition of penalty of dismissal from service, thereafter, it was set aside in the appeal for further enquiry and it is still pending. In the meanwhile, petitioner has attained age of superannuation and retired from service on 31.01.2019. However, petitioner has not provided provisional pension in terms of Rule 43 (c) of the Bihar Pension Rules read with FD Memo No. PC-H-40-8/74-H 260 F dated 31.10.1974. In this regard, petitioner has already requested the concerned authority while furnishing reply in disciplinary proceedings. Therefore, disciplinary authority is hereby directed to take note of the grievance of the petitioner as to whether petitioner is entitled to provisional pension in terms of Rule 43 (c) of the Bihar Pension Rules read with memo dated 31.10.1974 or not? If petitioner is otherwise entitled, he shall be paid provisional pension, in accordance with law and subject to outcome of enquiry proceedings.

4. The above exercise shall be completed within a period of three months from the date of receipt of this order.



5. The concerned authority is also hereby directed to examine whether petitioner is entitled to arrears of provisional pension during pendency of enquiry or not. If he is entitled the same shall be calculated and disbursed.

6. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	20.05.2022
Transmission Date	

