IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8850 of 2018

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Nagendra Singh S/o Late Deo Nandan Singh, R/o Village- Bakerpur, P.S.- Mohiuddin Nagar, District- Samastipur.

... ... Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Additional Commercial Taxes Commissioner, Department of Commercial Taxes, Govt. of Bihar, New S
3. The Joint Commercial Taxes Commissioner, Department of Commercial Taxes, Govt. of Bihar, New Secret
4. The Accountant General, Bihar, A.G. Officer, Birchand Patel Marg, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manindra Kishore Singh, Advocate Mr. Siyaram Pandey, Advocate
For the Respondent/s	:	Mr. Kumar Pankaj -AC to SC 5
For the Accountant General	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 07-12-2022

Heard Mr. Manindra Kishore Singh, learned counsel appearing on behalf of the petitioner, Mr. Kumar Pankaj, learned AC to SC 5 and Mr. Arun Kumar Arun, learned counsel for the Accountant General.

The present writ application has been filed for the following reliefs:

> i. Full pension as per law as only 90% of the pension is being paid to the petitioner.
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> ii. Gratuity.
>
> iii. Full leave encashment amount as only 90% of the same has been paid.
>
> iv. Assured Career Progression (ACP) and the Modified Assured Career Progression

(MACP) as per guideline, as only one ACP was granted during service period.

v. Statutory interest on delayed payments.

It is fairly submitted by the learned counsel for the petitioner that on account of vigilance cases pending against the petitioner as also a departmental proceeding, the petitioner has been allowed admissible 90% of the pension and the gratuity, apart from other admissible amounts in terms of Rule 43(c) of Bihar Pension Rule, 1950.

Mr. Kumar Pankaj, learned counsel for the State by referring to the averments made in the counter affidavit reiterated the statements and submits that all the admissible retiral/outstanding dues have stood paid to the petitioner and any outstanding remaining dues would be subject to final outcome of the criminal cases/departmental proceeding.

At this juncture, learned counsel for the petitioner submits that the departmental proceeding is pending since 2005 and till date no final decision has been taken.

In view of the aforesaid submissions, the present writ application stands disposed of with a liberty to the petitioner to file an appropriate petition before the appropriate forum for redressal of his grievance with regard to the disposal of the departmental proceeding/criminal cases.

Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2022.
Transmission Date	NA