

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5325 of 2017

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Dr. Narmadeshwar Jha Son of Late Pandit Jagdish Jha, Resident of village
P.O. Nikashi, P.S. Kamtoul, District - Darbhanga, Presently residing in
Hospital Road, Kashipur, P.S. Town, P.O. District - Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Health, Government of Bihar, Patna
3. The Civil Surgeon- cum- Chief Medical Officer, Sadar Hospital, Samastipur
4. The Director, Provident Fund, Government of Bihar, Patna
5. The Accountant General, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr.S.D. Yadav- AAG-9
For the A.G.	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

27 21-06-2022 Though the present writ petition was filed initially

for payment of the retiral dues of the petitioner herein, however,

during the interregnum period, certain payments have been

made but on account of passing of the order of punishment

dated 13.07.2019, whereby punishment of forfeiture of 100 per

cent pension and gratuity has been inflicted, the scope of the

present writ petition has been constricted inasmuch as the issue

of grant of pension/gratuity for the period starting from the date

of retirement i.e. 31.12.2014 up to the date of passing of the

order of punishment i.e. 13.07.2019 would be dependent on the

final outcome of the writ petition, proposed to be filed by the

petitioner herein challenging the order of punishment dated

13.07.2019.

At this stage, the learned counsel for the petitioner



submits that the petitioner be also granted liberty, while challenging the punishment order dated 13.07.2019, to agitate his grievances regarding non-payment of pension/gratuity for the period starting from 31.12.2014 up to 13.07.2019 inasmuch as his pension/gratuity cannot be forfeited from retrospective effect and even the order of punishment dated 13.07.2019 does not say so. It is also submitted that the issue regarding admissibility of pension/gratuity for the period when the punishment order was not in existence, i.e. prior to 13.07.2019, be also left open.

Accordingly, the present writ petition stands disposed off as not pressed, however, with liberty to the petitioner to challenge the order of punishment dated 13.07.2019 by filing a fresh writ petition.

It is needless to state that the petitioner shall also be at liberty to seek redressal of his grievance regarding payment of pension/gratuity for the period starting from the date of retirement i.e. 31.12.2014 up to the date of passing of the punishment order dated 13.07.2019.

(Mohit Kumar Shah, J)

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