

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16844 of 2018

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Datt Narayan Tiwari @ Sri Dat Narayan Tiwari Son of Late Rama Tiwari,
Resident of Village- Ward No.6, Jogiya Tola, Turha Patti, P.O.- Turha Patti,
District- West Champaran. Petitioner/s

Versus

1. The State Of Bihar
 2. The Director, Land Acquisition and Rehabilitation Water Resources
Department, Govt. of Bihar, Patna
 3. The Special Land Acquisition Officer, Gandak Project, Muzaffarpur.
 4. The Special Land Acquisition Officer, Sone Project, Sasaram Rohtas.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

13 19-05-2023 Heard the parties.

This writ petition has been filed for issuance of an appropriate writ / writs, order / orders or direction, directing the respondent concern to pay the retiral dues and other legal dues to the petitioner with interest, as he has retired from service on 28.02.2014 but as yet his retiral dues / other legal dues has not been settled as a whole.

A counter affidavit has been filed on behalf of the Special Land Acquisition Officer, Gandak Project, Muzaffarpur (Respondent No. 3). Paragraph Nos. 8 to 10 of the said counter affidavit is incorporated herein below:-

*“8. That it would be pertinent to mention
here that during the period of posting of the*



petitioner in the special Land Acquisition office, Gandak Project. Muzaffarpur land and Makan May Sahan of the raiyats were acquired by the said office for construction of Bagmati embankment. The records of the land acquisition proceedings were enquired into by the committee of three officers constituted by the Water Resources Department, Bihar, Patna vide letter no. 1641 dated 08.10.2014. The committee submitted the enquiry report vide letter no. 02 dated 18.08.2015. The committee reported that in connivance with some raiyats the concerned employees of the said office made illegal payment of Rs. 7,95,21,644/- to the raiyats fraudulently and by committing forgery and manipulation in the records of L.A. Case No. 01/2008-09, L.A. Case No. 04/2008-09, L.A. Case No. 03/2007-08, L.A. Case No. 19/2008-09 and L.A. Case No. 48/2008-09 for wrongful gain. The committee recommended for taking appropriate action against the concerned employees.

9. That it is further humbly stated on the basis of the aforesaid recommendation a proceeding under Rule 43 (b) of the Bihar Pension Rules was initiated against the petitioner vide office order no. 81 as contained in memo no. 1087 dated 05.07.2016. On conclusion of the said proceeding, 15% pension of the petitioner has been withheld vide office order no. 42 as contained in memo no. 683 dated 05.05.2017 for the charges proved against him.



10. That it is further humbly stated that for the aforesaid offences committed by the petitioner and other employees, an FIR has also been lodged against them vide letter no. 1022 dated 09.09.2016 in pursuance of departmental instruction contained in letter no. 1401 dated 19.08.2016 and Muzaffarpur Sadar P.S. Case no. 503/16 has been instituted on 13.09.2016 accordingly.”

This counter affidavit was filed after serving a copy to the learned Counsel for the petitioner on 3.01.2019.

Neither in the writ petition such facts were incorporated nor there is any rejoinder. Clearly, there was suppression of facts in the writ petition which has come by way of counter affidavit of respondent no. 3.

In view of the aforesaid facts that has come in the reply, the writ petition lacks merit.

Accordingly, the same is dismissed with a cost of Rs. 2,000/- to the Patna High Court Legal Services Committee to be paid by the petitioner within four weeks from today.

(Rajiv Roy, J)

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