

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8743 of 2021

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Laxman Paswan Son of Late Jai Krishna Paswan resident of Village-
Bhangaha Chandpur, P.O.- Janki Nagar, P.S.- Janki Nagar, District- Purnea
(Bihar) of present Near Kali Mandir, Purani Dumka, P.O.- Dumka, P.S.-
Dumka, District- Dumka, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary to Government of Bihar, Personnel and Administrative Reforms Department, Patna, P.O.- Patna, P.S.- Patna, District- Patna (Bihar).
2. The Special Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna, P.O.- Patna, P.S.- Patna, District- Patna (Bihar).
3. Under Secretary to Government of Bihar, Personnel and Administrative Reforms Department, Patna, P.O.- Patna, P.S.- Patna, District- Patna (Bihar).
4. Deputy Secretary to Government General Administrative Reforms Department Patna, P.O.- Patna, P.S.- Patna, District- Patna, (Bihar).
5. Principal Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna, P.O.- Patna, P.S.- Patna, District- Patna (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate
For the Respondent/s : Mr.Dhuvendra Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-07-2023 1. The petitioner has approached this court for seeking a direction upon the respondents to pay him the 10% pension deducted over a period of 10 years pursuant to an order dated 02-07-2010 bearing memo No. 2/ C 3-30183/01-S/6347.

2. The learned counsel for the petitioner submits that the punishment could not have been inflicted upon the petitioner after his retirement and is excessive, having regard to the nature of allegations based on which the punishment is founded.

3. The records reveal that earlier the petitioner had



been inflicted a punishment of withholding of 10% of his pension for life. The same was put to challenge in CWJC No. 9779 of 2009. This Court in the said proceedings disposed of the matter in the following terms, which reads as follows:

"The matter is remanded to the authority to take a fresh decision in light of the aforesaid discussion with regard to the quantum of punishment within a maximum period of three months from the date of receipt and/or production of a copy of this order.

It is expected that consequential orders and benefits, if any, in pursuance of such fresh decision shall be fairly made available by the authorities to the petitioner without compelling him to approach this Court again.

This writ application stands disposed."

4. It is pursuant to this Court's order passed in the said proceedings that the order withholding his pension was toned down to have effect for a period of 10 years. The order to this effect is dated 02-07-2010, which was the subject matter of CWJC No. 1308 of 2011 filed by the petitioner.

5. The said petition (CWJC No. 1308 of 2011) was



dismissed and challenged by way of intra-court appeal in LPA No. 1749 of 2011. The order passed by the division bench in the said LPA proceedings reads as follows:

"Learned advocate Mr. Tara Nath Jha has appeared for the appellant. Mr. Tara Nath Jha has submitted that for the charges in question, the appellant could not have been punished, more so, after his retirement from service. He has further submitted that although there was direction by this Court to reduce the punishment, the respondent authority below has not reduced the quantum of punishment, nor the authority below has assigned any reason for reducing the pension for a period of 10 years.

We are afraid; we are unable to agree with Mr. Tara Nath Jha. As recorded hereinabove, the only question left for reconsideration was the quantum of punishment. Indeed that order has been complied with. After reconsideration, the punishment has been reduced from permanent deduction to deduction in pension for 10 years. In our opinion, the authority below was not required



to give fresh reasons for the aforesaid punishment.

No other contention is raised before us.

Appeal is dismissed in limine. "

6. The issue regarding legitimacy of the order dated 02-07-2010 and consequence thereof being withholding of 10% pension for 10 years has attained finality in these proceedings up to the division bench.

7. It is submitted by the learned counsel for the petitioner that recently the petitioner had also filed a petition before the Hon'ble Apex Court, which has been dismissed as not maintainable.

8. The facts and sequence of events, noted above, manifest that the order of punishment as a consequence of which 10% pension has been withheld for 10 years, has been affirmed and attained finality up to the division bench. Any direction contrary thereto cannot be asked for in these proceedings that also before a single judge bench.

9. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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