

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11204 of 2015

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Sitaram Mahto Son of Late Subansh Mahto, resident of village - Birrakh, P.S.
- Sursand, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
3. Commissioner, Department of excise, Government of Bihar, Patna.
4. Deputy Commissioner, Department of Excise, Tirhut-cum-Saran Pramandal, Muzaffarpur.
5. Excise Superintendent, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Adv. Mrs. Vaishnavi Singh, Adv. Mr. R. Thakur, Adv.
For the Respondent/s	:	Mr.Lalit Kishore- Paag

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-08-2023 The present writ petition has been filed seeking the following relief:-

“1. That this is an application for issuance of an appropriate writ, order, direction for setting aside the order as contained in memo no.2997 dated 29.6.2015 issued under the signature of to Secretary to the Commissioner, Excise, Bihar, Patna whereby and whereunder 1% pension has been directed to be deducted on the basis of departmental proceeding held against the petitioner contrary to the provision of the Bihar Pension Rule and further during pendency of the instant writ application the impugned order directing deduction may be stayed



in the interest of justice besides issuance of order or orders which the Hon'ble Court may pass as it deemed fit and proper in the facts and circumstances of the case.”

2. At the outset, the learned counsel for the petitioner submits that since the petitioner has now stood retired, it be directed that the order of deduction of 1% pension of the petitioner shall not be construed to be a stigma on the future career prospects of the petitioner and further, the same be directed not to cause any prejudice in the pending criminal proceedings. It is directed accordingly, especially in view of the fact that pertaining to the same allegation i.e. acquiring property disproportionate to his known source of income, one criminal case is pending against the petitioner, in which the charges are yet to be proved.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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