

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6596 of 2023

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Rajendra Choubey Son of Late Ramadhar Choubey Resident of Village-
Bhaluahi, P.O.- Saraon, P.S.- Via- Natwar Block, Dinara, District- Rohtas,
Bihar, at present C/o Ranjana Choubey, W/o Rajendra Choubey, North Jai
Prakash Nagar, P.O.- Rajiv Nagar, Road No. 5, District- Patna- 800025.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Scheduled Caste and Scheduled Tribes Welfare Department,
Government of Bihar, Patna.
3. The Additional Secretary, Scheduled Caste and Scheduled Tribes Welfare
Department, Govt. of Bihar, Patna.
4. The Joint Secretary (Establishment), S.C. and S.T. Welfare Department,
Govt. of Bihar, Patna.
5. The Department Proceeding Conducting Officer cum the Mission Director,
Bihar Mahadalit Vikash Mission, Bihar, Patna.
6. The District Magistrate, Supaul.
7. The District Magistrate, Nalanda.
8. The Deputy Director, Welfare, Koshi Division, Saharsa.
9. The Deputy Director, Welfare, Patna Division, Patna.
10. The District Welfare Officer, Supaul.
11. The District Welfare Officer, Nalanda.
12. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Saurabh Kumar, Adv.
For the State	:	Smt. Kumari Amrita (Gp3)
For Accountant General	:	Mr. Binod Kumar Labh, SC (I.A. & A.D.)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 15-09-2023

Heard Mr. Saurabh Kumar, learned counsel appearing on
behalf of the petitioner, Smt. Kumari Amrita, learned counsel



appearing on behalf of the State and Mr. Binod Kumar Labh, learned counsel appearing on behalf of the Accountant General.

2. Learned counsel appearing on behalf of the petitioner submits that a penalty order has been passed against him as contained in order No. 1114 dated 08.04.2022 by which the authority has imposed penalty of withholding of pension and leave encashment. The petitioner retired on 30.11.2019. He further submits that petitioner is entitled for retiral dues under provident fund, group insurance and other different heads.

3. Learned counsel appearing on behalf of the State submits that the petitioner has retired after an amendment brought in Rule 43 of the Bihar Pension Rules by inserting Power under said Rule. The Disciplinary Authority has passed penalty order and according to same the petitioner is not entitled for pension and leave encashment.

4. Considering the rival submission made on behalf of the parties, the petitioner has submitted that retiral dues to which the petitioner is entitled in accordance with law is required to be paid to him by the concerned authority within a period of four weeks from the date of filing of the representation.

5. The petitioner, however, submits that statement has been made in paragraph-9 of the counter affidavit is vague in



which detail chart has been provided for payment under different heads have been given. However, the petitioner is entitled for more payment as what has been sanctioned by the sanctioning authority.

6. The representation of the petitioner is directed to be disposed of within a period of four weeks from the date of communication of this order.

7. With the above observation and direction the writ petition stands disposed of.

(Purnendu Singh, J)

pravinkumar/-

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

