

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2151 of 2017

Prabhat Sharma S/o Late Surendra Sharma, R/o Vill- Pathak Ghat, Moldiar Tola, P.S.- Mokama, Dist- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors.
2. The Joint Secretary, General Administration Dept. Govt. of Bihar, Old Secretariat, Bihar, Patna.
3. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
4. The Commissioner, Patna Division, East to Golghar, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 19885 of 2014

Prabhat Sharma S/o- Late Surendra Sharma R/O Village- Pathak Ghat Median Tola, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar and Ors null General Administration, Old Secretariate, Patna
2. The Secretary, B.P.S.C., Bailey Road, Patna
3. The Principal Secretary, Personnel Department, Old Secretariate, Bihar, Patna

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2151 of 2017)

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Adv.

For the Respondent/s : Mr. Shailesh Kumar, AC to GP-5

For the B.P.S.C. : Mr. Zaki Haider, Adv.

(In Civil Writ Jurisdiction Case No. 19885 of 2014)

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Adv.

For the Respondent/s : Mr. Gyan Shankar, AC to GP.-2

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

11 09-02-2023 Heard learned counsel for the petitioner, counsel for
the Respondents and counsel for the B.P.S.C.

Counsel for the petitioner submits that CWJC No.

19885 of 2014 has been filed for grant of full pension, GPF amount, leave encashment, gratuity amount and group insurance amount w.e.f. the date of retirement i.e. 31.07.2013 with other reliefs relating to the post retiral benefits.

Counsel for the petitioner submits that during pendency of writ petition CWJC No. 19885 of 2014, a departmental proceeding has been initiated against the petitioner and in the said departmental proceeding has been tested under Rule 43 (b) of Bihar Pension Rule, 1950, under which he was punished and has 100% pension are forfeited. Upon challenging the said departmental proceeding order, he has challenged the order of punishment of departmental proceeding.

Counsel submits that in CWJC No. 2151 of 2017, petitioner has made 2 prayers. First is to quash the order dated 10.08.2016 and second is for grant of all pensionary benefits w.e.f. 31.07.2013.

In this background, he seeks permission to withdraw CWJC No. 19885 of 2014.

Permission granted, let CWJC No. 19885 of 2014 is hereby permitted to withdraw as not pressed.

It is admitted that CWJC No. 2151 of 2017 has 2 reliefs, one is for quashing the order passed in the departmental

proceeding and second part is for payment of retiral benefits.

The roaster of this Court is retiral benefits matter but since it is specially assigned subject to this Court, therefore, this Court has no objection but to hear this case on merit, accordingly, parties are directed to file their short arguments along with the case laws within one week.

Put up this case on 16.02.2023.

(Dr. Anshuman, J.)

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