

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10973 of 2018

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Sita Ram Prasad S/o Late Prabhu Chandra Prasad R/o Village- Karunabagh,
PS-Sohsarai, District- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Personal and Administrative Reform Department, Govt. of Bihar, Patna
3. The Registrar General, High Court of Judicature, Patna at Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Banwari Sharma, Adv. Mr. Amresh Kumar Sinha, Adv.
For the Respondent/s	:	Mr. P.K. Verma- Aag3
For the respondent no. 3	:	Mr. Piyush Lall, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

6 20-02-2023 Heard Mr. Banwari Sharma, the learned

Advocate for the petitioner and Mr. Piyush Lall, the learned

Advocate for the respondent/ High Court of Judicature,

Patna.

The petitioner has prayed for pension and compensation under Bihar Pension Rules as also for salary for the period of suspension as well as leave encashment, all of which prayers have been rejected in the Administrative side of the Patna High Court.



It appears from the records that the petitioner was subjected to a departmental proceeding and thereafter was dismissed from service. He challenged the aforesaid order of his dismissal from service but to no avail.

The matter went up to the Supreme Court where also, the petitioner could not establish any case in his favour.

The review petition preferred by him was also dismissed.

After the review petition was dismissed, the petitioner preferred a representation before the Patna High Court in its administrative side, making a request for pension on humanitarian grounds and compensation (?) under Bihar Pension Rules. Simultaneously, a prayer was made for full salary for the period of suspension and encashment of his leave.

All these prayers were rejected not once but twice.

Hence this writ petition.

The Rule 101(A) of the Bihar Pension Rules



prevents the petitioner, who has been dismissed from service, from being paid any pension as there is a complete forfeiture of all past services rendered by him on account of his dismissal from service.

The petitioner remained under suspension since 27.11.2008 till the date of his dismissal from service i.e. 28.12.2010 and, therefore, he would not be entitled for full salary for the period of his suspension. He has been paid subsistence allowance during the period of suspension. On account of dismissal from service, he would also not be entitled for payment of leave encashment.

Precisely, for these reasons, the Patna High Court rejected his application.

Mr. Banwari Sharma, the learned Advocate for the petitioner, however, submits that merely rejecting the application does not satisfy the petitioner. He must know the reasons for his representation to be rejected outright.

True it is that even an administrative order is required to state reasons but in the present case, it



appears that the request of the petitioner has been made purely on humanitarian grounds which is not understandable as all his past services stand forfeited on account of his dismissal from service (refer to Rule 101 of Bihar Pension Rules).

Since the representation itself is misconceived, we do not find fault with the decision of the Patna High Court in the administrative side in rejecting summarily the request of the petitioner.

However, if the petitioner has not been paid his provident fund, he may file necessary application for the same before the concerned authority, which in the case of the petitioner would be the concerned District Judge, where the petitioner last served.

The petition is thus, dismissed but without any order as to costs.

(Ashutosh Kumar, J)

(Harish Kumar, J)

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