

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9982 of 2023

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Jainendra Kumar son of Late Parmeshwari Narayan Singh, Resident of Flat No. 101, Chhayakunj Apartment, Ashokpuri Chowk, Khajpura, Post-B.V. College, P.S.-Rajivnager, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Principal Secretary, Finance Department, Bihar, Patna.
4. The Deputy Secretary, General Administration Department, Bihar, Patna.
5. The Joint Commissioner, Departmental Enquiry, Patna Division, Patna.
6. The Accountant General Bihar, Patna.
7. The Senior Accounts Officer Office of Accountant General Office, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shubham Sourav
For the AG	:	Mr.Bindhyachal Rai
For the Respondent/s	:	Mr.Sheo Shankar Prasad (SC- 8)
		Mr.Ruchikar Jha, AC to SC-8

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 07-12-2023

This writ petition is filed by the petitioner to direct the respondents to fix and pay, the admitted dues and arrears for which the petitioner is found entitled and further to direct the respondent to take decision on representation dated 24.05.2023 and to pass appropriate orders in this case.

2. It is the case of the petitioner that he got superannuated on 31.01.2023 from the post of Secretary to



Divisional Commissioner Munger. During course of service departmental proceeding were initiated against the petitioner, while he was working as Special Officer Rationing Patna in the year 2019-2020 and several charges were framed against him. After a detailed departmental enquiry punishment was imposed against him ie. of withholding two increments of pay without cumulative effect dated 26.04.2022.

3. It is contended by the counsel for petitioner that the said punishment could not be complied as the petitioner got superannuated on 31.01.2023 and till date the petitioner is not being paid with the pension or arrears or dues. It is further contended that he made representation to the authorities on 24.05.2023 to take a decision by fixing his pay and also about the admitted dues and arrears for which petitioner is entitled. But the authorities kept it pending and the petitioner has not received any amounts from the authorities towards his retirement benefits.

4. On other hand learned counsel for the State also contended that a direction may be given to the respondent no. 1/Principal Secretary, General Administration Department, Government of Bihar for disposing of the representation of the petitioner.



5. Heard rival contentions of both the parties and perused the materials available on record. Admittedly, the punishment was imposed against the petitioner on 26.04.2022 (Annexure-1) and petitioner got superannuated on 31.01.2023 and since 31.01.2023 petitioner has not received any pension or retirement benefits from the concerned department in which he worked.

6. In view of the punishment imposed against the petitioner and non-fixing of his pay the petitioner is suffering with financial crisis and therefore, the respondents are directed to dispose of the representation dated 24.05.2023 at the earliest possible time preferably within a period of four weeks from the date of receipt/production of a copy of this order and shall pass appropriate order by fixing his pay, admitted dues and shall disbursed his retirement benefits.

7. With the aforesaid observation, the writ petition stands disposed of.

(G. Anupama Chakravarthy, J)

vinita/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	07.12.2023
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