

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11793 of 2023

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Srikant Sinha @ Srikant Prasad Sinha Son of Bisheshwar Mandal @
Vishewar Mandal Resident of Village- Jageshwarpur, P.S.- Shiv Narayanpur,
District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The District Magistrate, Banka.
3. The District Panchayati Raj Padadhikari, Banka.
4. The Block Development Officer, Shambhuganj, Banka.
5. The Block Panchayati Raj Padadhikari, Shambhuganj, Banka.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Pandey, Advocate
For the State	:	Mr. Prem Ranjan Raj, AC to SC-7
For the A.G.	:	Dr. Anand Kumar, Advocate
		Mr. Ramesh Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-09-2023

Heard mr. Dhananjay Kumar Pandey, learned
counsel appearing on behalf of the petitioner; Mr. Prem Ranjan
Raj, learned AC to learned SC-7 appearing on behalf of the
State and Dr. Anand Kumar, learned counsel for the Accountant
General, Bihar.

2. Learned counsel appearing on behalf of the
petitioner informs this Court that the petitioner is facing



departmental proceeding. The main contention of the petitioner is that on the date of his retirement i.e. 31.05.2018, no departmental proceeding was pending against him. The judicial proceeding was initiated against the petitioner after his retirement with respect to the FIR, which was lodged against the petitioner for misappropriation, which was allegedly taken place in the Financial Year 2017-18. The petitioner is also aggrieved that his due salary has not been paid from April, 2010 to 2018. The petitioner has limited his prayer that considering the fact that departmental proceeding is pending against him as per the provision of Rule 43 of Bihar Pension Rules, 1950, the petitioner is entitled for retirement benefits under different heads and pension in accordance with law and the relief(s) as prayed for in the present writ petition, he seeks to file detailed representation before the District Magistrate, Banka.

3. The District Magistrate, Banka is directed to call for the service records relating to the petitioner from the Block Development Officer, Belhar and consider the grievance of the petitioner as prayed for in the present writ petition and direct the Block Development Officer, Belhar to sanction the admitted retiral benefits payable to the petitioner in accordance with law within a period of six week from the date of filing of the



representation.

4. With above observations and directions, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	20.09.2023
Transmission Date	N/A

