

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14754 of 2022

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Rajendra Kumar Son of Late Ram Janam Singh resident of Mohalla Kashinath Lane (Infront of P.M.P Bhawan) East Lohanipur P.S. Kadam Kuan Patna 3, (Now Retired) an ex-Block Supply Officer, Nagar Prakhand, Gaya Sadar, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Patna - 15.
2. Departmental Minister-cum-Appellate Authority, Food, Consumer and Protection Department Govt. of Bihar Old Secretariat, Patna - 15.
3. The Secretary Food, Consumer and Protection Department Govt. of Bihar, Old Secretariat, Patna - 15.
4. The Special Karya Officer, Department of Food, Consumer and Protection Department of Govt. of Bihar Old Secretariat, Patna - 15.
5. The Collector, Gaya, at Gaya.
6. The Sub Divisional Officer, Gaya Sadar at Gaya.
7. The Treasury Officer, Patna Collectorate Office, Patna - 3
8. The Deputy Director Food and Civil Supplies-cum-Conducting Officer, Patna Division at Patna.
9. The Accountant General, Bihar, Birchand Patel Patha, Patna - 1.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Sinha, Advocate

Mr. Aditya Narayan, Advocate

For the Respondent/s : Mr. Vishwambhar Prasad, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-05-2023 Heard Mr. Khilesh Kumar Sinha, learned counsel

 appearing on behalf of petitioner and Mr. Vishwambhar Prasad,

 learned AC to AAG-5 for the State.



2. Learned counsel appearing on behalf of petitioner submitted that the retiral dues payable to the petitioner has not been given to him in garb of the penalty order passed by the respondent No.3 the Secretary Food, Consumer and Protection Department, Government of Bihar, Patna on 06.04.2022, which was affirmed by Appellate Authority vide order dated 01.08.2022. He further submitted that neither the disciplinary authority without considering the provisions of Section 43(b) of the Bihar Pension Rules, 1950 is applicable in case of *Sri Indrajit Singh v. The State of Bihar & Ors.* (C.W.J.C. No. 4251 of 1999, 13.03.2008) reported in 2008(3) PLJR 155, those delinquent employees, who are charged with grave misconduct and not for any pecuniary loss. Learned counsel further submitted that he may be given liberty to file review application before the disciplinary authority in light of the judgment of this Court.

3. Considering the aforesaid fact the appellate authority is directed to consider the review application of the petitioner taking into consideration the Judgment passed in case of *Sri Indrajit Singh v. The State of Bihar & Ors.* (C.W.J.C. No. 4251 of 1999, 13.03.2008) reported in 2008 (3) PLJR 155 and pass appropriate order within six weeks.

4. With the above observation and direction, the



present writ petition stands disposed of.

(Purnendu Singh, J)

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