

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17493 of 2022

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Bivekanand Arya Son of Late Sita Ram Poddar Resident of Flat NO.-A/501,
Veena Vihar Apartment, Niti Bagh (Jagdeo Path), P.S.-Rupaspur, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna.
2. Principal Secretary, Water Resources Department, Bihar, Patna.
3. Joint Secretary, Water Resources Department, Bihar, Patna.
4. Deputy Secretary, Water Resources Department, Bihar, Patna.
5. Executive Engineer, Planning and Monitoring Division, Darbhanga.
6. Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the State	:	Mr. Vijay Kumar Verma, AC to GA-2
For the A.G.	:	Mr. Arun Kumar Arun, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 08-08-2023

Heard Mr. Sanjay Kumar, learned counsel
appearing on behalf of the petitioner; Mr. Vijay Kumar Verma,
learned AC to GA-2 appearing on behalf of the State and Mr.
Arun Kumar Arun, learned counsel for the Accountant General,
Bihar.

2. Learned counsel appearing on behalf of the
petitioner informs that 90 percent pension of the petitioner has
been sanctioned and authority in that regard has also been issued
and same has been communicated to the Treasury Officer, Patna
and the petitioner is receiving 90 percent pension. Petitioner has



already filed his show cause in reply to Memo No. 980 dated 28.04.2022. Petitioner submits that in spite of the fact that the work was completed during the service period of the petitioner, the Deputy Secretary, Water Resources Department has for the reason best known to him without verifying the records and the measurement book etc. had proceeded against the petitioner by issuing show cause to him.

3. Learned counsel further submits that the action of the Deputy Secretary, Water Resources Department being without jurisdiction in absence of any disciplinary proceeding pending against him, the withholding of 10 percent of pension of the petitioner along with the full gratuity and unutilized earned leave is not in accordance with law. In this regard, petitioner has relied upon the judgment of Apex Court in case of ***Hira Lal v. State of Bihar and others*** reported in ***(2020) 4 SCC 346***.

4. Considering the aforesaid submission made on behalf of the petitioner, the petitioner is directed to file a detailed representation before the Additional Chief Secretary, Water Resources Department, Government of Bihar, along with evidences to show that work was already completed before his date of retirement and no departmental proceeding was pending



against the petitioner on the date of retirement.

5. The representation of the petitioner is directed to be disposed of by the Additional Chief Secretary, Water Resources Department, Government of Bihar in light of judgment passed in case of Hira Lal (Supra) and on the basis of records within a period of six weeks and ensure payment payable to the petitioner in accordance with law within the aforesaid period.

6. With above observation and direction, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/Nilmani

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	10.08.2023
Transmission Date	N/A

