

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8056 of 2021

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Hira Lal Gond, S/o Late Lal Bahadur Gond, R/o Brijnarayanpur, P.S. Sahpur,
District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Revenue, Government of Bihar, Patna.
2. The District Magistrate, Supaul
3. The Accountant General, (A and E), Bihar, Patna.
4. The G.P.F. Officer, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.
For the Respondent/s : Mr. GP-14

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 02-09-2024 None appears on behalf of the petitioner.

2. Learned Government Pleader No. 14 is present.

3. The petitioner is aggrieved by the order as contained in letter no. 364-2 dated 29.04.2019 issued by respondent no.2, whereby his entire gratuity and 10% of the pension has been withheld.

3. Learned counsel for the State contended that admittedly the petitioner superannuated on 31.01.2019 from the post of Kanongo in the office of Land Acquisition Officer, Supaul; when there has been a judicial proceeding pending against the petitioner in connection with Rajgir P.S. Case No. 126 of 2008. Drawing the attention of this Court to the



amendment in Rule 43 of the Bihar Pension Rules, 1950 (for short “the Rules, 1950”) by incorporating rule(d) thereof, which empowers the State Government to withhold entire gratuity, in case when an employee is facing departmental or judicial proceeding at the time of superannuation, learned Advocate for the State defended the impugned order.

4. Learned counsel for the State further contended that the petitioner has already been allowed 90% of the provisional pension in terms of Rule 43(c) of the Rules, 1950.

5. Be that as it may, considering the fact that there is none to represent the petitioner, this Court has left with no option but to dismiss the writ petition. Accordingly, it is dismissed for non-prosecution.

(Harish Kumar, J)

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