

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7809 of 2016

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Triveni Jha son of Late Ram Awatar Jha, resident of village Subhepatti, Police Station- Ashok Paper Mill, Rameshwar Nagar, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Agriculture Department, Government of Bihar, Patna.
3. The Special Secretary, Agriculture Department, Government of Bihar, Patna.
4. The Joint Secretary, Agriculture Department, Government of Bihar, Patna.
5. The Agriculture Director, Government of Bihar, Patna.
6. The Joint Agriculture Director, Darbhanga Division, Darbhanga-cum-Enquiry Officer.
7. The District Magistrate, Madhubani.
8. The Accountant General Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shivendra Kumar Sinha, Advocate
For the AG	:	Mr. Bindhyachal Rai, Advocate
For the Respondent/s	:	Mr. Kumar Alok, SC-7
		Mr. Prem Ranjan Raj, AC to SC-7

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 06-02-2024 Heard Mr. Shivendra Kumar Sinha, the learned counsel for the petitioner, Mr. Bindhyachal Rai, the learned counsel for the AG and Mr. Kumar Alok, the learned SC-7 for the State.

2. The present writ petition has been filed for directing respondent to pay the entire retiral benefit to the petitioner, who is retired from the post on 30.11.2002 and to pay the entire arrear of salary to the petitioner, which is due from

14.12.1993 to 16.10.2002.

3. Learned counsel for the petitioner submits that when the petitioner was posted at Bisfi, B.D.O, he has received a transfer order on 14.12.1993 and while he was waiting for posting since 14.12.1993 to 19.12.1996, he received a notification no. 2 of the year 1995 issued by the respondent no. 5, by which he had been asked to join as Block Development Officer, Khutauna (Madhubani). Learned counsel for the petitioner further submits that the petitioner was suspended by the respondents on the allegation that had misappropriated Rs. 2,000,000/- (Rupees twenty lakhs only) when he was posted as Block Development Officer.

4. Learned counsel for the State has filed a detailed counter-affidavit stating therein that after the full fledged enquiry, the petitioner was put under suspension vide notification no. 1038 dated 30.08.2002 and during the suspension period itself, the petitioner superannuated on 30.11.2002 and thereafter the proceedings were converted into 43(B) of Bihar Pension Rules and in the departmental proceeding the petitioner participated and filed an explanation. The final order was passed by respondent no. 5 by which the petitioner was imposed with the punishment of withholding of

the whole pension and gratuity and the petitioner has never challenged the order dated 11.04.2008 in any proceeding or in the present writ petition. Thereafter, the petitioner had filed appeal, which was also dismissed and affirm the order of punishment and in this context, the petitioner is only entitled to earned leave, GIC and GPF amount.

5. In view of the aforesaid, the writ petition is disposed of with a direction to the respondent authority to pay the earned leave, GIC and GPF to the petitioner within a period of four weeks.

6. Accordingly, this writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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