

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4812 of 2022

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Ram Padarath Paswan, Son of Late Jai Ram Paswan, Resident of Village Ward No. 09 Azad Nagar Bachchwara, P.S. - Bachchwara, District-Begusarai, the permanent add. - Resident of Village- Aamrour Kiratpur, P.S. - Singhoul, Dist. - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principle Secretary, Department of Panchayat Raj, Bihar, Patna.
2. The District Collector, Begusarai.
3. The District Panchayat Raj Officer, Begusarai.
4. The Deputy Development Commissioner, Begusarai.
5. The Block Development Officer, Teghra at Begusarai.
6. The Block Development Officer, Balla at Begusarai.
7. The Provident Fund Officer, at Begusarai.
8. The Accountant General of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate
For the Respondent/s : Ms. Archana Meenakshee (GP6)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

9 28-10-2024 Herd the parties.

2. The petitioner, who superannuated from the post of Panchayat Secretary on 30.11.2021, has approached this Court seeking a direction upon the concerned respondent to ensure payment of all the retiral benefits and other dues, apart from subsistence allowance for the period he was remained under suspension.

3. Counter affidavits have been filed on behalf of respondent nos. 1, 2 to 6 and 7.



4. Learned Advocate for the State has taken this Court through the averments made in the counter affidavits and submitted at the bar that all admissible amount, including GPF, GIS and the subsistence allowance, for the period the petitioner remained suspended, have been paid to him. The particulars of which have been duly mentioned in the counter affidavits.

5. Learned Advocate for the State further contended that since on account of institution of the F.I.R. against the petitioner, he was put under suspension and thereafter a departmental proceeding has been instituted, which is still pending, the petitioner has been allowed 90% of the pension under Rule 43(C) of the Bihar Pension Rules, 1950. So far the gratuity is concerned, the same has been withheld in terms of Rule 43(d) of the Bihar Pension Rules, 1950.

6. It is further contended that since the petitioner is facing criminal case, the leave encashment has also been withheld in view of the Executive instruction issued by the State Government.

7. Learned Advocate for the State submits that the answering respondent has also directed for early disposal of the departmental proceeding.

8. In view of the submissions advanced on behalf of



the parties and taking note of the fact that the disciplinary proceeding is pending, it is expected that the same shall be brought to its logical conclusion expeditiously.

9. The remaining retiral benefits, including full pension, gratuity and leave encasement shall be abide by the final outcome of the departmental proceeding.

10. The writ petition stands disposed of.

(Harish Kumar, J)

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