

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4881 of 2024**

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Krishan Kumar Dixit, S/o-Paramhansh Dixit, R/o-Mohalla-Krishan Bhawan  
V.I.P. Lane, P.S.-Bhagwan Bazar, Dist-Saran at Chapra-841301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary- Cum -Additional Chief Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Accountant General (A and E) Veer Chand Patel Path, Patna.
3. The Joint Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief-Cum-Special Secretary, Public Health Department Govt. of Bihar, Patna.
5. The Superintending Engineer, Public Health Drafting and Planning Circle, No-3, Patna.
6. The Superintending Engineer, Public Health Engineering Circle, Chapra.
7. The Executive Engineer, Public Health Division, Chapra.
8. The District Provident Fund Officer, Saran at Chapra.
9. The Treasury Officer, Saran at Chapra.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Shashi Shekhar Tiwary, Advocate<br>Mr. Anuranjan Patel, Advocate<br>Mr. Abhishek Kumar, Advocate<br>Ms. Pragya Sinha, Advocate |
| For the Respondent/s | : | Mr. Akash Raj, AC to GA-5                                                                                                          |
| For the A.G., Bihar  | : | Mr. Ram Kinker Choubey, Advocate                                                                                                   |

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

5      28-11-2024                      Heard the parties.

2. The petitioner superannuated on 31.12.2023 from the post of Senior Accounts Clerk has approached this Court, seeking a direction upon the respondents concerned to extend all the benefits of pre and post retiral benefits with upto date interest.

3. Learned Advocate for the petitioner contended that the petitioner was duly appointed as Correspondence Clerk on



16.02.1982. The service of the petitioner was duly confirmed with effect from 01.05.1986 as Junior Accounts Clerk pursuant to the office order no. 44 dated 28.06.1987. On being found eligible, the petitioner was accorded the benefit of Senior Selection Grade Promotion and thereafter the benefit of ACP/MACP have also been extended.

4. After serving the department for almost four decades, the petitioner finally superannuated on 31.12.2023. However, despite his superannuation, the petitioner has not been accorded his rightful pre and post retiral dues, compelling him to approach before this Court.

5. A counter affidavit has been filed on behalf of respondent no. 4 to 7. It is categorically averred that while the petitioner was discharging his duty as a Senior Accounts Clerk, he was subjected to departmental proceeding which culminated into punishment of censor for the year 2022-23; recovery of the monetary benefit arises out of extending the benefit of Junior Selection Grade, 1<sup>st</sup> ACP, 2<sup>nd</sup> MACP; apart from recovery of an amount of Rs. 83,409/- which is said to have been received by the petitioner unauthorizedly on account of medical reimbursement.

6. The learned Advocate for the petitioner, at this juncture submits that the departmental proceeding, including the show cause notice and the order of punishment, which was



inflicted to the petitioner on 05.10.2023, have been put to challenge in CWJC No. 16582 of 2023 as well as 17066 of 2023, and the matter is *sub-judice* before the Hon'ble Court.

7. It is further contended that being aggrieved with the wrong fixation and consequential recovery, the petitioner has also preferred CWJC No. 13314 of 2022 wherein the Court has granted interim protection in favour of the petitioner, directing the respondents that no recovery shall be made from the petitioner.

8. In the aforesaid premise, learned Advocate for the petitioner submits that admittedly the date on which the petitioner superannuated, i.e. 31.12.2023, there was neither any departmental proceeding, nor any judicial proceeding and, as such, in no circumstances the respondents concerned forfeit or withhold the pre and post retiral benefit, which was not the subject matter of punishment of the departmental proceeding, as disclosed, afore-noted.

9. Having heard the learned Advocate for the respective parties and taking note of the fact that the departmental proceeding has already been culminated into punishment as afore-noted on 05.10.2023 before the date of superannuation of the petitioner on 31.12.2023 and now there is no proceeding pending against the petitioner, this Court does not find any reason or occasion for the respondent authorities to



withhold the remaining pre and post retiral benefit of the petitioner, barring the subject matter of punishment.

10. In that view of the matter, this Court directs the respondent no. 5 to 7 to extend all the remaining pre and post retiral benefit to the petitioner, preferably within a period of 8 weeks from today.

11. Suffice it to observe that the pre and post retiral benefits which is the subject matter of the punishment order shall be abide by the final outcome of the writ petition preferred by the petitioner as afore-noted.

12. The writ petition stands disposed off with the afore-said direction.

13. Before parting with the case, this Court feels it apt to observe that the matter has been taken up on the urgent motion made by the learned Advocate for the petitioner, that the petitioner has undergone liver transplantation and now he is in dire need of continuous advance medical treatment, the respondents are directed to adhere with the period stipulated hereinabove.

**(Harish Kumar, J)**

supratim/-

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