IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5056 of 2022

Ajay Krishna Mishra, Son of Late Jagannath Mishra, Resident of Mohalla - Rajeev Nagar, Shekhar Sadan, Road No. 25, P.S. - Digha, District - Patna.

... ... Petitioner/s

Versus

1. The State of Bihar, through its Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
3. The Special Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
4. The Joint Secretary, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
5. The Under Secretary to the Government, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
6. The Inspector General of Registration, Prohibition, Excise and Registration Department, Government of Bihar, Patna.
7. The Accountant General, Bihar, Patna.

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Jha 3, Adv.
For the State	:	Mr. Vivek Prasad, GP 7 with Mr. Sanjay kumar, AC to GP 7
For the Acct. General	:	Mr. Ram Kinkar Choubey, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 20-08-2024

Heard Mr. Satish Chandra Jha, learned Advocate for the petitioner and Mr. Sanjay Kumar, learned Advocate for the State. Mr. Ram Kinkar Choubey, learned Advocate for the Accountant General is also present.

2. The petitioner who superannuated on 31.01.2020 from the post of Assistant Inspector General, Registration Department has invoked the jurisdiction of this Court seeking a

direction upon the respondent to ensure payment of all his post reitral and other legal admissible dues.

3. During the service period, on account of a Vigilance Case bearing No. 3 of 2014, the petitioner was placed under suspension and a departmental proceeding was initiated which culminated into dismissal of the petitioner from service. The petitioner filed a Review against such punishment order which also met to the same fate. Aggrieved by the order of dismissal as well as the order passed in Review, the petitioner challenged the same before this Court in CWJC No. 6601 of 2019 which came to be allowed vide order dated 22.09.2020 and dismissal order as well as the order passed in Review were quashed and the matter was remanded back to the authorities concerned with a direction to look into the grievance of the petitioner including the objection filed on behalf of the petitioner in accordance with law. On being remand, the departmental proceeding was converted into Rule 43(b) of the Bihar Pension Rules and again 100% of pension has been forfeited vide notification No. 3678 dated 01.10.2021 which was also put to challenge in CWJC No. 19625 of 2021 and the impugned order also came to be quashed with a direction to ensure payment of all the admissible benefits. Pursuant to the direction of this Court, during the pendency of

the writ petitioner, the petitioner has been paid all the substantive retiral benefits and other dues, however, without taking note of the 7^{th} Pay Revision.

4. A supplementary counter affidavit has been filed on behalf of respondent nos. 2 to 6. It is categorically averred therein that vide Letter No. 3023 dated 26.07.2024, an office order was issued by the Department for regularisation of salary of the petitioner under Rule 13(3) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005, copy of which is marked as R/3 to the supplementary counter affidavit. It is also averred that after issuance of the aforesaid office order, now the petitioner will be automatically entitled to get monetary benefit of 7^{th} Pay Revision. In pursuant thereto, the petitioner will also be accorded the full pension and gratuity in the revised scale, as well as leave encashment, fully salary for the period of suspension.

5. Considering the averments made in the supplementary counter affidavit and taking note of the fact that the substantive dues of the petitioner have been accorded to him, the present writ petition stands disposed of with a direction to the respondent no. 2 to ensure payment of all the admissible arrears of revised pension and other dues as has been mentioned

in the supplementary counter affidavit, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

6. Needless to observe that upon issuance of the sanction order, the Accountant General shall take appropriate action forthwith.

7. The writ petition stands disposed of.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	27.08.2024
Transmission Date	