

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11157 of 2012

- 1.1. Kalawati Devi Wife of Late Dineshwar Paswan, resident of Road No.13 A, Rajendra Nagar, P.S. Kadamkuan, District-Patna.
- 1.2. Ajay Kumar, son of Late Dineshwar Paswan, resident of Road No.13 A, Rajendra Nagar, P.S. Kadamkuan, District-Patna.
- 1.3. Narendra Kumar, Son of Late Dineshwar Paswan, Road No.13 A, Rajendra Nagar, P.S. Kadamkuan, District-Patna.
- 1.4. Binod Kumar, son of Late Dineshwar Paswan, resident of Road No.13 A, Rajendra Nagar, P.S. Kadamkuan, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Human Resources Development Department, Government of Bihar, New Secretariat, Patna
2. Director Administration-Cum-Joint Secretary, Human Resources Development Department, Government Of Bihar, New Secretariat, Patna
3. Director, Secondary Education, Bihar, Patna
4. A.G. Bihar, Veerchand Patel Path, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jai Kishor Poddar, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG 13
		Mr. Arya Achint, AC to AAG 13
For the AG	:	Mr. Vivekanand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 29-04-2024

Heard Mr. Jai Kishor Poddar, learned counsel appearing on behalf of the petitioners; Mr. Sarvesh Kumar Singh, learned AAG 13 along with Mr. Arya Achint, learned AC to AAG 13 for the State and Mr. Vivekanand Kumar, learned counsel for the Accountant General.

2. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are aggrieved by



withholding 20% pension amount payable to late husband of petitioner no.1, namely, Dineshwar Paswan, who was posted as Deputy Director, Primary Education, Government of Bihar. Learned counsel further submitted that criminal cases were pending against the husband of the petitioner no.1 and finally her husband was acquitted in the said case, as a result of which, withholding of 20% pension is not in accordance with law. On these grounds, learned counsel submitted that petitioners seek to file a detailed representation before the Additional Chief Secretary concerned along with all the requisite information, as well as, evidence in support of the fact that husband of petitioner no.1 was finally acquitted and the order of withholding of 20% pension cannot be sustained.

3. Considering the aforesaid submission made on behalf of the petitioners, the petitioners, if so advised, may file a detailed representation before the Additional Chief Secretary. The Additional Chief Secretary is directed to verify from the records, relating to the Dineshwar Paswan, who had retired from the post of Deputy Director, as to whether he had faced any criminal cases and whether he was acquitted in the said cases. In case, he has been acquitted, the order withholding of 20% pension must be interfered by him by passing a reasoned order



within a period of six weeks from the date of communication of this order.

4. The writ petition is disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2024
Transmission Date	NA

