

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1345 of 2023

In
Civil Writ Jurisdiction Case No.10109 of 2021

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Bharat Purbey, Son of Late Jaibeer Purbey, Retired Executive Engineer, Water Resources Department. At present resident of 3SFA- 1/37, Bahadurpur Housing Colony, Bhootnath Road, Police Station- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Sri Sanjay Kumar Agrawal, the Additional Chief Secretary-cum- Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. Sri Sanjeev Kumar Sinha, The Additional Secretary to the Govt., Water Resources Department, Govt. of Bihar, Patna.
3. Sri Sudhir Kumar, The Additional Departmental Enquiry Commissioner, Sinchai Bhawan, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Ms. Roona, AC to GP- 7

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-04-2024

Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the petitioner and Ms. Roona, learned counsel representing the State.

2. In compliance of the order of this Court dated 21.12.2022 passed in C.W.J.C. No. 10109 of 2021, a supplementary show-cause affidavit has been filed.

3. Adverting to the statements made therein it is submitted that after the order of this Court, being affirmed by the Division Bench in L.P.A. No. 415 of 2023, the opposite



parties issued notification vide Memo No. 238, dated 15.02.2024 cancelling the order of punishment, as contained in notification no.1919 dated 03.09.2019 and the order passed on review application of the petitioner as contained in notification no.179 dated 06.02.2020.

4. It is also averred that the consequential retiral benefits of the petitioner to the extent of 90% provisional pension and 90% provisional gratuity have been sanctioned vide letter no. 452 dated 01.03.2024. However, it is further contended that as the petitioner has been facing a criminal prosecution, in such circumstances, remaining 10% of the pension and 10% of the gratuity have been withheld in terms of Rule 43(C) of the Bihar Pension Rules, 1950.

5. At this juncture, learned counsel for the petitioner submits that though the sanction letter has been issued on 01.03.2024, but till date actual payment has not been made.

6. Considering the aforesaid facts, this Court directs the State officials to ensure the actual payment to the petitioner preferably within a period of four weeks from today.

7. Needless to observe that the Accountant General, Bihar shall take necessary action to ensure compliance of the order of this Court, if any communication is made in this behalf



by the respondent officials.

8. In this view of the matter, the present contempt petition stands disposed of.

9. It is made clear that if the order of this Court shall not be complied with within the stipulated period, the petitioner shall be at liberty to file a petition for revival of the present contempt petition.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2024
Transmission Date	NA

