IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14945 of 2021

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Dr. Dharmendra Singh Son of Late Raghunath Singh, Resident of 26/02, Dinkar Nagar, Madhauliya, Khetal, Police Station Kazi Mohammadpur, District- Muzaffarpur.

... ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Animal and Fishery Resources Department, Government of Bihar, Patna.
2. The Deputy Secretary, Animal and Fishery Department Resources Department, Government of Bihar, Patna.
3. The Accountant General, Bihar, Patna.

... ... Respondents

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Appearance :

For the Petitioner	:	Mr. Sunil Kumar, Advocate
		Mr. Sanjeeb Kumar Sanju, Advocate
		Mr. Bhaskar Sandilya, Advocate
For the Respondents	:	Mr. Raj Kishore Roy, GP-18

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT
Date : 09-05-2024

Heard Mr. Sunil Kumar, learned counsel for the petitioner and Mr. Raj Kishore Roy, GP-18, for the Respondents.

2. The petitioner, who retired on 31.12.2017 on attaining the age of superannuation while working as Special Deputy Director, Vrihat Pashuvikash Pariyojna, Patna, has filed this writ petition seeking a direction to the Respondents for making the payment of all admissible retiral dues including arrears of pension from the date of his superannuation on 31.12.2017.

3. The petitioner states that during his service tenure, a departmental proceeding was initiated against the petitioner, which was continued even after his retirement under Rule 43(b) of Bihar Pension Rules, 1950. The said departmental proceeding was concluded by an order passed on 24.01.2019 by the Respondent authorities, whereby 50% of the petitioner's pension was directed to be permanently withheld.

4. The learned counsel for the petitioner submits that pursuant to the order dated 24.01.2019, the petitioner has been paid 50% of his pension on and from 25.10.2021. He further submits that the order dated 24.01.2019 passed by the Respondent authorities has been put to challenge by the petitioner before this Court by filing Writ Petition being C.W.J.C. No.12175 of 2019. He further submits that all other retiral dues of the petitioner have been paid by the Respondent authorities except the pension of the petitioner for the period 01.01.2018 to 23.01.2019 and from 24.01.2019 to 24.10.2021. The grievance of the petitioner, therefore, is limited to the non-payment of pension for the period mentioned hereinbefore, submits the learned counsel for the petitioner.

5. The Respondent Nos.1 and 2 have filed counter affidavit as well as supplementary counter affidavit. In the

counter affidavit filed by the Respondent Nos.1 and 2, insofar as the payment of pension is concerned, in paragraph 21 thereof, it has been stated that the payment of pension is in process and, as such, the writ application under reply may kindly be dismissed as having become infructuous. The Respondent Nos.1 and 2 in paragraph 5 of the supplementary counter affidavit filed, insofar as the payment of pension to the petitioner is concerned, it has been stated that 50% of the pension of the petitioner has been sanctioned with effect from 25th October, 2021.

6. After hearing the learned counsel for the parties and on perusal of the rival pleadings by the parties, it is noticed that the petitioner had retired from service on 31.12.2017 on attaining the age of superannuation from the post of Special Deputy Director, Vrihat Pashuvikash Pariyojna, Patna. It is also noticed that a departmental proceeding was initiated against the petitioner during his service tenure, which was continued even after his retirement in terms of Rule 43(b) of the Bihar Pension Rules, which eventually culminated in the order passed by the Respondent authorities i.e. on 24.01.2019, whereby 50% of the petitioner's pension was permanently withheld.

7. From the submissions made by the learned counsel for the parties as well as from the rival pleadings, it is also

noticed that after the departmental proceeding against the petitioner was concluded in terms of the order dated 24.01.2019, whereby 50% of petitioner's pension was directed to be permanently withheld, the petitioner has been paid 50% of his pension on and from 25.10.2021. It is also noticed that all other retiral dues of the petitioner have been paid except the pension of the petitioner for the period 01.01.2018 to 23.01.2019 and from 24.01.2019 to 24.10.2021. The counter affidavit filed by the Respondent Nos.1 and 2 does not answer the contention raised regarding non-payment of the petitioner's pension for the period mentioned above except to state in paragraph 5 of the supplementary counter affidavit filed by the Respondent Nos.1 and 2 that 50% of petitioner's pension have been sanctioned with effect from 25th October, 2021.

8. Thus, it appears that though 50% of the petitioner's pension have been paid on and from 25.10.2021 including all other retiral dues, the pension for the period 01.01.2018 to 23.01.2019 and from 24.01.2019 to 24.10.2021 appears to have been not paid to the petitioner. For the period 01.01.2018 to 23.01.2019, there was a departmental proceeding pending against the petitioner and for the period 24.01.2019 to 24.10.2021, the petitioner was required to be paid 50% of his

pension in terms of the order dated 24.01.2019 passed by the Respondent authorities on conclusion of the departmental proceeding initiated against the petitioner.

9. In that view of the matter, this writ petition is hereby disposed of with a direction to the Respondents to pay pension of the petitioner for the period mentioned hereinabove as per his entitlement under the law.

(Nani Tagia, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.05.2024
Transmission Date	N.A.