

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2914 of 2021

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Shailendra Kumar Verma S/o Rajendra Pd. Verma Resident of village-
Jamunapur, P.O.- Patna City, P.s.- Malsalami Patna, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Animal and Fishery Department, Government of Bihar, Patna
2. The Principal Accountant General (A and E) Bihar, Patna
3. The Director, Fishery, Officers Hostel, Block-A, Bailey Road, Patna-800008
4. The Joint Secretary, Department of Fishery, Government of Bihar, Patna
5. The Deputy Director, Regional Fishery Officer, Distt.- Munger
6. The Collector, District- Sheikhpura
7. The Collector, District- Patna
8. The District Fishery Officer, Sheikhpura
9. The District Fishery Officer, Patna
10. The Treasury Officer, Patna
11. The District Provident Fund Officer, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahai, Adv.
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP 14

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 30-07-2024

Heard Mr. Ravi Shankar Sahai, learned Advocate for
the petitioner and Mr. Dhurjati Kumar Prasad, learned
Government Pleader No. 14 for the State.

2. The petitioner superannuated on 29.02.2020 from
the post of Fisheries Extension Officer. On being aggrieved by
the inaction of the respondents, the petitioner invoked the
jurisdiction of this Court seeking a direction upon the



respondent authorities to ensure payment of all the post retiral benefits and other dues as well as salary for the month of January and February 2020.

3. Learned Advocate for the petitioner after some arguments fairly submitted that on the intervention of this Court and after much persuasion of the petitioner finally the post retiral benefits and other admissible dues have been paid to the petitioner but on account of departmental proceeding initiated under Rule 43(b) of the Bihar Pension Rules, 1950 (hereinafter referred to as the 'Rules, 1950') the final pension and gratuity has not been paid and he is getting only provisional pension. It is also contended that even the provisional pension has not been accorded to the petitioner on regular basis and the same is being paid after much delay. It is also contended that the aforementioned departmental proceeding under Rule 43(b) of the Rules, 1950 was initiated on 31.08.2020 but till date the same has not been concluded and thus serious prejudice would cause to the petitioner.

4. At this juncture, learned Advocate for the State referring to the averments made in the counter affidavit as well as supplementary counter affidavit has submitted that on account of pending departmental proceeding, the petitioner has



not been accorded final pension as well as gratuity in terms of Rule 43(c) and 43(d) of the Rules, 1950.

5. Considering the submissions advanced on behalf of the learned Advocate for the respective parties and taking note of the materials available on record, for the ends of justice, this Court directs the respondent no. 3 to conclude the departmental proceeding in a reasonable time, preferably within a period of six months.

6. It is made clear that final pension as well as gratuity shall be abide by the decision of the departmental proceeding. Till conclusion of the departmental proceeding, it is expected that the authorities shall ensure payment of provisional pension without any interruption.

7. The writ petition stands disposed of with the aforesaid directions.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	01 .08.2024
Transmission Date	

