

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12833 of 2024

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Kailu Sardar Son of Late Gulai Sardar, Resident of - 406 Lalita Residency,
Rupaspur Road, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
4. The Under Secretary, Water Resources Department, Govt. of Bihar, Patna.
5. The Deputy Secretary, Water Resources Department, Govt. of Bihar, Patna.
6. The Accountant General Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sarveshwar Tiwary, Advocate
For the State	:	Mr. Mujtabaul Haque, GP- 12
		Mr. Manish Kumar, AC to GP- 12
For the A.G.	:	Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-08-2024 Learned counsel for the petitioner, learned counsel for the State and learned counsel for the Accountant General, Bihar, Patna are present.

2. The petitioner has filed this writ petition for following reliefs:-

(i) For issuance of an appropriate writ/ writs order or orders in the nature of certiorari for quashing the Notification bearing No.1533 dated 29.09.2023 passed by order of his



Excellency Bihar, Patna issued under the signature of under Secretary of government Water resources department Patna Respondent No.4 as well as for quashing the notification No. 18 dated 10.01.2024 passed by order of his Excellency Bihar Patna issued under signature of Deputy Secretary of the government Water Resources department, Bihar, Patna respondent No.5 where by and where under Respondent No.4 gave punishment to the petitioner for deduction of 25% pension at 5 years and Respondent No.5 has gave punishment to the petitioner for deduction of 20% Pension at 5 years without following the essential ingredients of Rule 43 (b) of Bihar Pension Rule both punishment order there is no fact finding given by the Respondents regarding grave misconduct and pecuniary loss to the government as well as for quashing of the entire proceeding initiated against petitioner under Rule 43(b) of Bihar Pension Rule



as account of inordinate delay and latches on part of Respondents.

(ii) For issuance of an appropriate writ/writs order or orders in nature of certiorari for quashing the letter bearing Memo dated 16.05.2024 issued by Accountant General Bihar, Patna in spite of knowing the fact that against the punishment order a revision petition has also been pending before the Respondent No.2.

(iii) For issuance of appropriate writ/writs order or orders in the nature of mandamus for directing and commanding the respondents that after setting aside the notification No. 1533 dated 29.09.2023, notification No.18 dated 10.01.2024 and later dated 16.05.2024 may directed the respondent authorities to pay all legal consequential benefit and with all retiral benefits full pension arrear of pension including gratuity G.P.F. and leave encashment with reasonable compensation.



(iv) For issuance of any further order(s) direction(s) or writ(s) and appropriate relief or reliefs for which petitioner is entitled from the facts and circumstances of this case.

3. Learned counsel for the State raised preliminary objection and submits that the petitioner's representation is still pending before the Additional Chief Secretary, Water Reosurces Department, Government of Bihar, Patna (respondent No. 2) who has not taken any final decision as yet. Therefore, liberty shall be granted to the petitioner to file a fresh representation raising all his grievances/points (as mentioned in Annexure- 3 & 10 of the present writ petition) before the Additional Chief Secretary, Water Reosurces Department, Government of Bihar, Patna (respondent No. 2) and respondent No. 2 shall pass a reasoned and speaking order on the petitioner's representation within 90 days from the date of production/receipt of the order.

4. With this direction, the writ petition stands disposed off.

(Dr. Anshuman, J.)

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