**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.13376 of 2012**

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Sachidanand Pandey S/o Late Jagdish Pandey Resident of Sharma Path, Rukunpura, Bailey Road, P.S. - Rukunpura, Distt.- Patna

... ... Petitioner/s

Versus

1. The State of Bihar, through Commissioner, Commercial Tax, Department of Sales Tax, Bihar, New Secretariat, Patna.
2. Commissioner-Cum-Principal Secretary, Department of Commercial Tax, Government of Bihar, New Secretariat, Patna.
3. Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna
4. Additional Commissioner, Department of Commercial Tax, Government of Bihar, New Secretariat, Patna
5. Accountant General, Bihar, Beerchand Patel Path, Distt.- Patna

... ... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. V. R. P. Singh, Advocate.
Mr. Parmanand Pd. Nr. Sahi, Advocate.

For the Respondent/s : Mr. Manish Kumar, GP-4.
Mr. Manoj Kumar, AC to GP-4.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**
**ORAL JUDGMENT**

**Date : 06-05-2024**

Heard Mr. V. R. P. Singh, learned counsel along with Mr. Parmanand Pd. Nr. Sahi, learned counsel appearing on behalf of the petitioner and Mr. Manish Kumar, learned GP-4 along with Mr. Manoj Kumar, learned AC to GP-4 for the State.

2. The petitioner has sought for the following reliefs as prayed for in Para-1 of the writ petition:

> *"A writ in the nature of certiorari or any other appropriate writs, orders direction quashing the order as contained in Memo No. 58 dt. 23-05-12 issued from the office of the respondent no.2 whereby and whereunder 5% of pension is to be deducted from the pension of the petitioner in terms of Rule 43(B), 1950 of the Bihar Pension Rules and the order is contained in Annexure-B.*
>
> *(b) A writ in the nature of Mandamus or any other appropriate writs orders direction commanding the respondent from giving effect to the orders as contained in Annexure-B of the writ application.*
>
> *(c) To any other relief / reliefs to which the*

*petitioner may be found to be entitled to."*

3. Learned counsel appearing on behalf of the petitioner submits that the case of the petitioner is covered by a decision of this Court passed in C.W.J.C. No. 4613 of 2003 and similar relief be granted to the petitioner as having been given to the said writ petitioner on the mere fact that the Gazette Notification No. 137 dated 21.10.2002 (Annexure-9), which was in force, has already been quashed by this Court.

4. Petitioner, in this regard, has made specific statement in Para-18 of the writ petition. Though it has been objected by the State that the petitioner, at no point of time, while he had participated in the disciplinary proceeding, had submitted that both the organizations cannot be governed by the said Circular.

5. Considering the statement made in Para-18 of the writ petition, petitioner may file a detailed representation before the Commissioner cum Secretary, Department of Commercial Taxes, Government of Bihar, Patna.

6. The writ petition, accordingly, stands disposed of.

**(Purnendu Singh, J)**

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| **AFR/NAFR** | N.A.F.R. |
| **CAV DATE** | N.A. |
| **Uploading Date** | 07.05.2024 |
| **Transmission Date** | N.A. |