

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1382 of 2023

In
Civil Writ Jurisdiction Case No.9149 of 2022

-
1. The State of Bihar through the Additional Chief Secretary. Education Department, Govt. of Bihar, New Secretariat, Patna.
 2. The Director (Administration) -cum- the Addition Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna -cum- the Disciplinary Authority.
 3. The Director, Secondary Education Department, Govt. of Bihar, Patna.
 4. The Reviewing Authority through the Additional Chief Secretary, Education Department, Govt of Bihar, New Secretariat, Patna.
 5. The Treasury Officer, Patna Bikash Bhawan.

... .. Appellant/s

Versus

Mamta Verma D/o Late Maheshwari Prasad Verma, W/o Sri Satyendra Prasad Sinha, R/o Kamla Kunj, C/o Santosh Kumar Verma, Post Office Road, Punaichak, P.S.- Lal Bahadur Shastri Nagar, Patna (Retired Assistant Director) (Mass Education), Govt. of Bihar, Patna).

... .. Respondent/s

Appearance :

For the Appellant/s	:	Ms.Usha Kumari Singh (A.C. to S.C.13)
For the Respondent/s	:	Mr.Purushottam Kumar Jha, Advocate
		Mr. Anand Kumar Tiwari, Advocate
		Mr. Narendra Kumar Sinha, Advocate
		Mr. Jitendra Acharya, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 29-04-2024

The defects, as pointed out by the office, are ignored.

2. The appeal is filed by the State against the judgment of the learned Single Judge, which interfered with



the withholding of 100% pension imposed on the writ petitioner. The facts are identical to that in which such withholding of pensions and orders of termination were interfered with by this Court in LPA No. 1219 of 2023, titled as ***Kamini Kumari & Ors. vs. The State of Bihar & Ors.*** and its analogous cases.

3. In ***Kamini Kumari*** (supra) also the judgment in ***State of Bihar vs. Md. Idrish Ansari; 1995 Supp. 3 SCC 56*** was followed, which was followed in the impugned judgment also. We find absolutely no reason to entertain the appeal and the appeal stands dismissed.

4. The writ petitioner, who is a respondent herein, submits that the writ petitioner has not been disbursed with the pension till date, despite the judgment having been passed on 27.04.2023.

5. In the above circumstances, we direct the arrears of pension to be disbursed within three months from today and if not, the arrears would carry 5% interest from the date on which it is due till the date of payment. The interest liability if mulcted on the State, the State would be entitled to fix it on whichever officer who committed default and recover the same. The appellant would be restored the pension from



April, 2024 also.

6. The appeal stands dismissed.

7. Interlocutory application, if any, shall stand disposed of.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	01.05.2024
Transmission Date	

