

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9714 of 2025

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Shri Ramjeet Prasad Chaurasia S/o Late Brahmdeo Ram, R/o- village and Post- Issar Pitha Patti, Via Nawanagar, District - Ballia, Uttar Pradesh- 221717.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. Engineer In-Chief Cum Special Secretary, Public Health Engineering Department, PHED Bhawan, Bailey Road, Patna- 800015.
3. Regional Chief Engineer, Public Health Engineering Department, Officer Flat No.- 2324/84, 2nd Floor, New Poonai Chak, Thana Shastri Nagar, Patna- 800023.
4. Executive Engineer (Civil), Sasaram, Public Health Engineering Division, Sasaram, Bihar- 821115.
5. The Accountant General (Accounts and Entitlement), Bihar, Having its office at Veerchand Patel Path, Patna- 800001.
6. The Accountant General (Accounts and Entitlement), Uttar Pradesh, Office at Office of the Accountant General (A and E)-II, Audit Bhawan, 4th Floor, Vibhuti Khand, Gomti Nagar, Lucknow, Uttar Pradesh- 277001.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shivam Saket, Adv. Mr. Ankit Kumar, Adv.
For the Respondent/s	:	Mrs. Nivedita Nirvikar, Sr. Adv. Mr. Vivek Prasad, GP7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-06-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the

present writ petition has been filed with the following reliefs:-

i. For issuance of a writ in the nature of mandamus, or any other appropriate writ, order or direction, to the Respondents to ensure uninterrupted and continued disbursal of pension, which is the sole means of sustenance of the Petitioner.

II. For the issuance of appropriate writ/directions/order to quash and set aside the Letter dated 31.12.2024 issued under the signature of Executive



Engineer, PHED, Sasaram whereby the No Dues Certificate (NDC) was refused to be issued in favour of the Petitioner, on account of a long pending departmental proceeding.

III. For the issuance of appropriate writ/directions/order to quash and set aside the Chargesheet - 'K' dated 26.12.2017 issued by Executive Engineer, PHED, Sasaram whereby a superimposed liability upon the petitioner to ensure parking of the vehicle in garage was imputed, which formed the basis for the departmental proceeding initiated vide Departmental Letter Reference No. 5/आ 06-107/2017-558 dated 19.12.2018 issued under the signature of Engineer-in-Chief cum Special Secretary, PHED.

IV. For the issuance of writ/order/direction to the Respondent No. 2 to conclude the the departmental proceeding, initiated vide Departmental Letter Reference No. 5/आ 06- 107/2017-558 dated 19.12.2018, and direct the Respondent Department to forthwith issue a No Dues Certificate in favour of the Petitioner.

V. For issuance of an appropriate writ / orders / directions declaring the withholding of pension for the period from September 2024 to February 2025 as arbitrary, unjustified and illegal, with consequential direction to release appropriate compensation for the hardship, deprivation, and prejudice suffered by the Petitioner.

VI. For issuance of an appropriate writ / orders / directions declaring the non-grant of two eligible MACP



increments to the Petitioner as illegal, unjust, and untenable, and directing the Respondent Nos. 1 to 5 to extend the benefits of the said MACP increments to the Petitioner without further delay;

VII. For issuance of an appropriate writ/orders/directions to the Respondent Nos. 1 to 5 to recompute and determine the correct last salary of the Petitioner after taking into account the two MACP increments and, accordingly, to correctly determine and revise the Petitioner's pension.

VIII. For issuance of an appropriate writ/orders/directions directing the Respondent Nos. 1 to 5 to release and pay the arrears of salary, gratuity and pension arising from the non-grant of the two MACP increments, and to pay the differential amounts to the Petitioner forthwith.

IX. For issuance of appropriate writ/ orders awarding equitable compensation amounting to Rs. 10,000,00/- to the Petitioner for the grave financial and emotional distress caused by the willful, arbitrary and illegal actions of the Respondents, leading to prolonged financial strangulation, medical suffering and an unimaginable miserable life.

3. Counsel for the petitioner further submits that the petitioner was retired from the service as Junior Engineer from the Public Health Engineering Department, Sasaram (PHED). He further submits that his benefits towards services, pension, MACP, etc., has not been cleared on the ground that no dues certificate is not available to the petitioner.



4. Counsel further submits that the petitioner was retired in the year 2021 from the post of Junior Engineer in PHED, Sasaram. There were three departmental proceedings pending against him in which two departmental proceedings have been concluded and still one departmental proceedings is pending against him for last 6 years. He further submits that there is no merit in the said proceedings, but only with a view to torture the petitioner, the said proceeding kept pending against him at the level of Executive Engineer (Civil), Sasaram, PHED.

5. Counsel further submits that the petitioner has filed the present writ petition with multiple reliefs including payment of pension, MACP, issuance of no dues certificate, to set aside the प्रपत्र-क issued to the petitioner as well as to quash the departmental proceedings initiated in the year 2018.

6. Counsel further submits that as per the law of the land, the departmental proceedings which has been initiated against any employee during his service period, has to be concluded and then only no dues certificate can be issued, for which petitioner is always ready.

7. Counsel for the State fairly submits that this departmental proceedings has been elongated and reason can be assigned only after receiving counter-affidavit. He further submits that normally, departmental proceeding delayed due to



non-cooperation of the delinquent. He further submits that the State is not making allegation to anyone, but it is a normal situation.

8. Counsel further submits that the State is bound to conclude the departmental proceedings within time frame.

9. In this view of the matter, the present writ petition is hereby disposed off directing the Executive Engineer (Civil), Sasaram, PHED, Bihar (respondent No.4) to conclude the departmental proceedings initiated against the petitioner by virtue of Letter No.558 dated 19.12.2018 whose प्रपत्र-क has been issued on 26.12.2017 contained in page 80 of the writ petition, within 90 days from the date of production of this order.

10. After conclusion of the departmental proceedings, if petitioner has been exonerated from the charges then, it is directed to the respondent authorities to take decision towards issuance of no dues, so that pension of his arrears and other lawful dues be paid to him in accordance with law.

11. With the aforesaid directions and observations, the present writ application stands disposed off.

(Dr. Anshuman, J.)

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