

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.131 of 2021

In
Civil Writ Jurisdiction Case No.21783 of 2019

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1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
 3. The Principal Secretary, Department of Mines and Geology, Government of Bihar, Patna.
 4. The Additional Secretary, Department of Mines and Geology, cum Presenting Officer, Government of Bihar, Patna.
 5. The Joint Secretary, Department of Mines and Geology cum Conducting Officer of Departmental proceeding, Government of Bihar, Patna.
 6. The Deputy Director, Mines and Geology, Patna Circle, Patna.
 7. The Under Secretary to Government, Department of Mines and Geology, Government of Bihar, Patna.

... .. Petitioner/s

Versus

1. Jhakari Ram, son of Late Harishchandra Ram, Resident of Mohalla Surya Vihar Phase-2, Post Office-Ashiana Nagar, Police Station-Rajiv Nagar, District-Patna.
2. The Bihar Public Service Commission through its Secretary, Bihar Public Service Commission, Bihar, Patna.
3. The Accountant General, Bihar, Veer Chand Patel Path, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Dikshit, Advocate
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-07-2025 Heard the parties.

2. The present petition has been preferred for the grant
of following relief(s):

*“for the review of the order dated
25.02.2021 passed in CWJC No. 21783 of 2019
by the Hon’ble Court.”*

3. The petitioner was serving as Mining Inspector and
later serving Assistant Mining Officer and finally retired as



Mineral Development Officer on 30.04.2014.

4. During his service as Mineral Development Officer, Sheikhpura, he was placed under suspension and subjected to departmental proceeding pursuant to the Enquiry Report, according to which his income from known/unknown sources were found to be more than the salary that he got from the government.

5. After the departmental proceeding, an order was passed forfeiting his 100 per cent pension.

6. Aggrieved, the petitioner moved before this Court in CWJC No. 9009 of 2017 which was disposed of on 01.02.2019 and the Writ Court held that forfeiture of 100 per cent pension will result into snatching of the basic human rights of the employee/delinquent employee and in that background, it was quashed allowing the respondents to take another decision.

7. This followed the second decision communicated to the petitioner vide memo no.2038 dated 04.07.2019 (Annexure-11 of the writ petition) issued by the Mines and Geology Department, Bihar, Patna by which the forfeiture was reduced to 60 per cent.

8. Still aggrieved, CWJC No. 19518 of 2019 was preferred and the Writ Court having gone through the facts of the case vide an order dated 25.02.2021 held that since the



vigilance case is pending against the petitioner, no direction can be issued till the said case comes to its logical end. If the decision goes in favour of the petitioner, he is free to challenge the forfeiture and if it goes against him, the said order shall remain intact.

9. The relevant paragraph no. 11 of the Writ Court order read as follows:

Since the vigilance case is still pending, the Court is constrained to hold that the decision forfeiting 60% pension shall abide by the final outcome of the Vigilance Case. If the decision in the Vigilance case ultimately decided in favour of the petitioner, the petitioner would be entitled to challenge the decision of forfeiture of pension in the light of decision of the Vigilance case. However, in the event, the Vigilance Court convicts the petitioner, the order of forfeiture of 60% pension shall remain intact.

10. Upon query, learned counsel for the petitioner submits that the sole opposite party has not preferred any appeal/LPA against the order of the Writ Court wherein it has been held that in the event, the vigilance case goes against him,



the forfeiture of 60% shall stand.

11. The petitioner is aggrieved by the same part of the order in which liberty has been granted to the opposite party to merely challenge the order, if Vigilance case goes in favour of the writ petitioner. The Writ Court has not held that in case, he succeeds in the Vigilance case, the writ petitioner shall be entitled to 60% pension.

12. In the opinion of this Court, it is an ill advised petition. The Writ Court in paragraph no.11 virtually put a stamp on the order of the respondents by endorsing the decision by holding that if the Vigilance case goes against the writ petitioner, the order of 60% forfeiture shall remain intact.

13. The Writ Court even has not recorded that in case, the petitioner succeeds, he shall be entitled to 60 per cent pension. It merely allowed the petitioner to agitate the matter/challenge the said order afresh. This Court wanted to impose cost upon the petitioner for unnecessary filing the petition but refrains from doing so.

14. The review petition is dismissed.

(Rajiv Roy, J)

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