

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.967 of 2023

In
Civil Writ Jurisdiction Case No.9691 of 2021

=====

Rajroop Yadav S/o Puna Yadav, resident of Village-Mahmadpur, P.O.-Ituan,
P.S.-Mohanpur (Fatehpur), District-Gaya.

... .. Appellant/s

Versus

1. The State of Bihar through its Principal Secretary, Rural Development Department, Bihar, Patna.
2. The Collector, Gaya.
3. The Block Development Officer, Guraru, Gaya.
4. The Block Development Officer, Imamganj, Gaya.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Dharmendra Kumar Sinha, Advocate
For the Respondent/s : Mr. Anjani Kumar (Aag4)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 14-10-2025 In the instant petition, appellant has assailed the order of the learned Single Judge dated 04.07.2023, passed in CWJC No. 9691 of 2021. The appellant has attained the age of superannuation and retired from service while holding post of Panchayat Secretary on 30th April, 2018. His retiral benefits have not been settled, therefore, he was compelled to invoke remedy under Writ Jurisdiction by filing CWJC No.9691 of 2021. The same was decided on 09.07.2023 against appellant with certain observations made by the learned Single Judge.



Feeling aggrieved by the order of learned Single Judge, the present LPA is presented.

2. Learned counsel for the appellant and Respondents fairly submitted that as on the date of retirement on 30th April, 2018 and till 04.07.2023, the date on which CWJC No.9691 of 2021 was decided, departmental inquiry has not been initiated against the appellant under the *Bihar Government Servants (Classification, Control & Appeal) Rules, 2005*. Assuming that Respondents have power to initiate disciplinary proceedings after retirement on 30th April, 2018, they were required to initiate within four years from the alleged date of incident under the Bihar Pension Rules, 1950. In this backdrop, instead of initiating disciplinary proceeding at appropriate stage against the appellant, the Respondents have initiated certain Certificate Case and it was filed only on 17.03.2023 and it is still pending consideration. This order is not coming in the way of Certificate Case filed on behalf of the respondents. In respect of service condition of the appellant, it is governed by *Bihar Government Servants (Classification, Control & Appeal) Rules, 2005* read with the Bihar Pension Rules, 1950 on account of the fact that he has attained age of superannuation and retired from service on



30th April, 2018. In the light of these facts and circumstances, the observation made by the learned Single Judge in paragraph 4 are not warranted in the absence of material information like date of alleged allegations leveled against the petitioners with reference to Certificate Case. The learned Single Judge should have verified what is the date of alleged allegation read with the date of retirement and so also relevant provision under the Bihar Pension Rules, 1950 to the extent whether Respondents had the source of power to initiate disciplinary proceedings in respect of alleged allegations relates that to four years prior to the date of his retirement on 30th April, 2018. In absence of these materials, the learned Single Judge has committed an error.

3. Accordingly, the order of the learned Single Judge is set aside. The Respondents are hereby directed to settle all the pensionary dues of the petitioners including arrears of pension from 30th April, 2018 till date. In this regard, necessary calculation shall be made in respect of each of the item and thereafter disbursed the same within a period of four months from today, failing which the appellant is entitled to interest on belated settlement of retiral benefits @ 6% per annum till final payment is made.



4. With the aforesaid observation, the LPA is
allowed.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

Gaurav Sinha/-

U			
---	--	--	--

