

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2929 of 2023

In
Civil Writ Jurisdiction Case No.4469 of 2022

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Ram Binoy Sinha son of Ram Naresh Singh, resident of Pratap Palace Apartment, Flat No. -404, Krishi Nagar, A.G.Colony, P.S.-Rajeev Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Water Resources Department, Bihar, Patna, namely Sri Chaitanya Prasad.
2. Sri Anil Kumar Mandal, the Joint Secretary (Management), Water Resources Department, Bihar, Patna
3. Sri Sanjeev Kumar Sinha, the Additional/Joint Secretary to the Government, Water Resources Department, Bihar, Patna.
4. Sri Vinay Kumar Singh, the Chief Engineer, Flood Control and Drainage, Water Resources Department, Muzaffarpur.
5. Sri Shashi Kant Chaudhary, the Superintending Engineer, Flood Control and Drainage Circle, Water Resources Department, Motihari.
6. Sri Praveen Kumar Singh, The Accountant General (A and E), Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	None
For the Opposite Party/s	:	Mr.Anjani Kumar, (AAG 4)
		Mr. Anand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 19-12-2025 No one appears on behalf of the petitioner. However,

learned counsels for the opposite parties are present.

2. I have perused the show cause filed on behalf of the

O.P. Nos.1-5 and also supplementary show cause filed on their

behalf. In the para-4 to 8 of the supplementary show cause, the

following information has been given:

“4. That it is stated humbly that LPA No. 826 of 2023 (The State of Bihar and others VS. Tarkeshwar Dhar Dwivedi and another) filed by



the opposite parties in identical matter was allowed vide order dated 22.04.2024 holding that the State is empowered under Rule 43 (d) of the Bihar Pension Rules to withhold the full amount of gratuity till the final departmental conclusion of the or judicial proceeding. The Hon'ble Court also affirmed the Finance Department's circular dated 06.07.1993 according to which if there is least of recovery, on possibility conclusion of such departmental or judicial proceeding/enquiry which could not be completed at the time of superannuation of a delinquent/employee, the competent authority may withhold payment of the amount of earned leave. fully or partly.

5. That it is stated that due pendency of some to departmental proceedings against the petitioner, his gratuity, the amount in lieu of his earned leave and 10% pension was not sanctioned after his superannuation under the aforesaid provisions. However, the GPF amount, group insurance amount and 90% provisional pension was sanctioned and paid to the petitioner in time.

6. That it is stated further that during pendency of the present contempt case, the petitioner has been exonerated from charges vide notifications contained in memo no. 67 dated 18.01.2024, memo no. dated 09.01.2025 and memo 77 no. 1084 dated 23.05.2025 in three pending departmental proceedings.

7. That under the aforesaid circumstances, full pension and full gratuity of the petitioner has been sanctioned vide letter no. 2714 dated 12.06.2025. The amount in lieu of earned leave of the petitioner has been sanctioned vide letter no. 2713 dated 12.06.2025.

8. That it would be evident from the aforesaid facts that the remaining post- retirement benefits have been sanctioned by the opposite parties under the aforesaid after conclusion provisions of the departmental proceedings pending against the petitioner.”

3. In view of the information contained in above paragraphs, I find that the order under contempt appears to be complied.

4. The contempt petition, accordingly, stands consigned.



5. However, the petitioner if still aggrieved in any manner, he may avail the appropriate remedy.

(Purnendu Singh, J)

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