IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7961 of 2026

CNR No. BRHC010423792026

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Sudha Kumari Wife of Chandramauli Prasad Singh, resident of Mohalla-Krishnapuri, Ward No. 20, Begusarai, P.S.- Begusarai, District- Begusarai.

... ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Rural Development Department Govt. of Bihar, Patna.
2. The Secretary, Finance Department Govt. of Bihar, Patna.
3. The Divisional Commissioner, Munger Division, Munger.
4. The District Magistrate, Begusarai.
5. The Chief Executive Officer-cum-Deputy Development Commissioner District Rural Development Agency, Begusarai.
6. The District Treasury Officer, Begusarai.
7. The Accountant General, Bihar, Patna.

... ... Respondent/s

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Appearance :
For the Petitioner/s : Ms. Sristy Patel, Advocate.
For the State : Mr. Ajay Behari Sinha, AAG-7.
AC to AAG-7.
For the A.G. : Mrs. Nivedita Nirvikar, Sr. Advocate.
For the Respondent/s : Mr.Government Advocate (8)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 27-10-2026 Heard learned counsel for the parties.

2. The petitioner in paragraph no. 1 of the present writ petition has sought, *inter alia,* following relief(s), which is reproduced hereinafter:-

> *"1. That this Writ application is being filed for issuance of a Writ in the nature of Mandamus or any appropriate Writ's/order's /direction's commanding the respondents for following relief:*
>
> *I for direction the respondents to make payment of gratuity amount to the petitioner with statutory interest and pension in the light of order vide Memo No 1817 dated 07-12-2021 issued by the District Magistrate, Begusarai*

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whereby and where under service of the petitioner has been absorbed in govt service in the light of decision taken by the Rural Development Department Govt of Bihar vide Memo No 415177 dated 5.3.2019 whereby and where under direction was given to absorption to the employees of District Rural Development Agency like the petitioner in Govt service with effect from the date of filing of the writ application dated 09-05-2017.

II. For direction the respondents to grant pension from the date of retirement dated 31.10.2023 and arrears of pension.

III. For passing any order or direction in favour of the petitioner in the facts and circumstances of the case in the interest of justice.

3. Learned counsel appearing on behalf of the petitioner submits that, upon being absorbed into the regular establishment of the State Government, the petitioner becomes entitled to all pensionary benefits, including pension, gratuity and other retiral dues. The pensionary benefit has been withheld after the petitioner had retired on 31.10.2023 while serving as LDC in the District Collectorate, Begusarai. It is further submitted that the petitioner submitted representations dated 16.12.2024 and 04.09.2025 seeking payment of his pension, gratuity and other admissible retiral dues. Referring to the pendency of Vigilance Case No. 20/2017, registered as Special Case No. 15/2017 under Section 13(2) of the Prevention of Corruption Act, learned counsel submits that merely pendency of the vigilance case does not justify the unilateral withholding of the petitioner’s retiral benefits. Referring to Rule 43(d) of the

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Bihar Pension Rules, 1950, learned counsel submitted that before withholding of the retiral benefits, at least a notice was required to be given to the petitioner, that having not been done, action of the District Magistrate in withholding pension is not in accordance with law. On these grounds, it is submitted that, having been absorbed into the regular establishment of the State Government in accordance with Rules 58 and 59 of the Bihar Pension Rules, 1950, the petitioner is entitled to all admissible pensionary benefits.

4. *Per contra*, Mr. Ajay Behari Sinha, learned Senior Counsel, assisted by Mr. Rajesh Ranjan, learned counsel appearing on behalf of the State, submitted that the petitioner had already filed another writ petition, being C.W.J.C. No. 8561 of 2025, seeking similar relief, which is pending adjudication, as such, the petitioner has suppressed the material fact from this Court while filing the present writ petition seeking similar relief, as is evident from paragraph no. 1 of the writ petition. On merits, learned counsel submitted that petitioner has admitted in Para-15 of the writ petition that a Vigilance Case is pending against the petitioner in which she has been made accused for the offence committed under Section 13(2) of the Prevention of Corruption Act. Referring to provision of Section 43(d) of the

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Bihar Pension Rules, 1950, learned counsel submitted that the entire amount of gratuity can be withheld and also the petitioner having not come with clean hand, no interference is required by this Court. That apart, the petitioner has been paid Group Insurance and provident fund as per the National Pension Scheme.

5. Having heard the rival submissions made on behalf of the parties and having considered the materials on record, I find that the petitioner for similar relief has filed C.W.J.C. No. 8561 of 2025 prior to filing of the present writ petition and the said writ petition is pending till date. As such, I don't find to interfere in any manner.

6. The writ petition stands consigned.

(Purnendu Singh, J)

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