

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9699 of 2023

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Mithilesh Sharma Son of Late Rameshwar Sharma Resident of Village-
Guljana, P.O.-Ark Dhiwariya, P.S.-Tekari, Distirct-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Home Department, Government of Bihar, Patna.
3. The Director General, of Police Bihar, Patna.
4. The Inspector General, of Police, Bihar, Patna.
5. The Deputy Inspector General, Champaran Zone Bettiah.
6. The Superintendent of Police, Motihari.
7. The Accountant General Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binod Kumar, Advocate
For the Respondent/s	:	Mr. Md. Irshad, AC to SC 1
For the AG, Bihar	:	Mr. Ram Kinker Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

10 24-07-2026 Heard learned counsel appearing on behalf of the

petitioner and learned counsel for the respondents.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought, *inter alia*, the following relief(s), which is

reproduced hereinafter:-

“That this is an application for issuance of appropriate writ/writs, order/orders, direction/directions for direction to the respondent authorities to make payment of retiral dues including pension, gratuity amount of GPF, leave encashment, group insurance and medical allowance etc. along with statutory interest @ 16% per annum which has not been paid to the petitioner reasons best known to the authorities concern and to grant any other consequential relief(s) for which petitioner may found entitled in accordance with law.”

3. Learned counsel appearing on behalf of the



petitioner informs that the petitioner has been paid 90% of pension and allegedly 10% of pension has been withheld for being declared as an absconder during the period 2000 to 2004, i.e., approximately four years. No disciplinary action was taken by the Superintendent of Police, East Champaran, Motihari and after the retirement of the petitioner on 31.08.2013 *vide* letter contained in Memo No.83/2024 dated 15.01.2024, it was informed that the petitioner is not entitled for entire pension having been absent during the period 2000 to 2004 without any reason. In the writ petition, the petitioner has given information that he was medically not fit during the said period and a private Doctor certificate has been annexed as Annexure 1.

4. Considering the aforesaid submissions made on behalf of the petitioner, I find that the medical certificate annexed with the writ petition has no legal sanctity, but considering that no disciplinary action has been taken against the petitioner for withholding 10% of the pension, as admitted in paragraph no.13 of the counter affidavit filed on behalf of the respondents, I find it proper to direct the Director General of Police to look into the grievance of the petitioner at his own level.

5. The writ petition is disposed of with a liberty to the



petitioner to file a detailed representation before the Director General of Police, Bihar for the relief as prayed for in the present writ petition.

6. It is well settled law that no penal action can be taken without affording an opportunity to explain. The Director General of Police, based on the service record of the petitioner may first provide gist of accusations to the petitioner in support of withholding of 10% pension and after giving due opportunity of hearing pass a reasoned order in respect of entitlement of the petitioner for full pension within a period of six weeks.

6. The writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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