

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12324 of 2023

Lakshmi Narayan Prasad Son of Late Gauri Shankar Prasad, Resident of Janakpur Road, Nagar Panchayat, Ward No. 6, Mawari Middle School Road, Post Office- Janakpur Road, Police Station- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary, Department of Revenue and Land reforms, Government of Bihar, Patna.
2. The Deputy Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Deputy Secretary/Incharge Finance Personal Claims Fixation Cell Mangles Road, Patna-800001.
4. The Accountant General (A and E), Bir Chand Patel Path Marg, Patna-800001.
5. The Collector, Darbhanga.
6. The Collector, Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Shamimul Hoda, Adv. Mr. Md. Gulkhan, Adv.
For the Respondent/s	:	Mrs. Nutan Sahay, AC to AAG 12
For the AG	:	Mrs. Nivedita Nirvikar, Sr. Adv. Mr. Amarshakti, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 29-06-2026

Heard Mr. Md. Shamimul Hoda, learned Advocate for the petitioner and Mrs. Nutan Sahay, learned Advocate for the State.

2. This is the second round of litigation as earlier the petitioner upon his superannuation on 30.04.2012 from the post of Chakbandi Officer has approached this Court in CWJC No. 11849 of 2013 for a direction upon the respondents to ensure



payment of his retiral benefits. The aforesaid writ petition came to be dismissed vide order dated 18.11.2013 taking note of pendency of the departmental proceeding which was initiated against the petitioner during his service period; the learned Court vide its order further directed to conclude the departmental proceeding expeditiously preferably within a period of five months from the date of production /communication of a copy of this order.

3. Learned Advocate for the petitioner advertng to the facts submitted that despite the specific direction of this Court to conclude the departmental proceeding within a period of five months; more than four years have been consumed in concluding the departmental proceeding and finally the departmental proceeding has been culminated into punishment of withholding of 5% of pension under rule 43(b) read with rule 139(b) of the Bihar Pension Rules under Memo No. 586 dated 04.07.2017. Learned Advocate for the petitioner further apprised this Court that the order aforesaid whereby 5% of pension of the petitioner has been withheld was questioned before this Court in CWJC No. 12708 of 2023 and the same is pending consideration. Despite the aforesaid fact and the order passed by the concerned authorities, whereby only 5% of pension of the



petitioner has been withheld, till date the petitioner has not been accorded the amount under gratuity, leave encashment as well as arrears of pension with effect from the date of his superannuation.

4. Learned Advocate for the State on the other hand referring to the counter affidavit submits that a decision is required to be taken by the Department after passing of the final order of punishment. However, for the said purpose, she seeks a short adjournment. It is further submitted that the petitioner has already been extended the benefits of Provident Fund as well as Group Insurance.

5. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that now there is no impediment with respect to payment of retiral benefits, especially gratuity and leave encashment as well as arrears of pension, except to the extent whereby the Department has ordered for withholding of 5% of pension, which is also the subject matter of CWJC No. 12708 of 2023, this Court directs the respondent no. 6 to consider the claim of the petitioner with respect to payment of gratuity and leave encashment as well as arrears of pension and ensure payment of the same, preferably within a period of 8 weeks



from the date of receipt/production of a copy of this order.

6. It is made clear that the aforesaid payment shall not include 5% of pension which is subject matter of the order contained in Memo No. 586 dated 04.07.2017 which shall be finally decided after disposal of CWJC No. 12708 of 2023.

7. With the aforesaid directions, the present writ petition stands disposed off.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.06.2026
Transmission Date	

