IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3000 of 2019
In
Civil Writ Jurisdiction Case No.21438 of 2014

CNR No. BRHC010758382019

==========

Suresh Prasad Singh, Son of Late Ramdeo Singh, Resident of village- Hathidah near Middle School, P.S- Hathidah, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar through (Dr. Pratima), Principal Secretary, Commercial Taxes, Government of Bihar, Patna.
2. (Dr. Pratima), The Principal Secretary, Commercial Taxes, Government of Bihar, Patna.
3. (Sri Sachidanand Jha), the Commercial Tax Commissioner cum Secretary, Department of Commercial Tax, Govt. of Bihar, Patna.
4. (Ms. Mani K, IA & AS), the Accountant General (A & E), Bihar, Patna.

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Lalan Kumar, Adv.
For the State : Mrs. Alka Verma, GA-14
Mr. Om Prakash Kumar, AC to GA-14
For the AG Bihar : Mr. Chaitanya Swaroop, Adv.

==========

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

6 30-10-2026 Learned counsels appearing for the State-opposite parties are present and they submit that for complying with the direction given in the order dated 01.08.2018 passed in CWJC No. 21438 of 2014, whereby the writ petition was disposed of in terms of the order dated 13.07.2018 passed in CWJC No. 15328 of 2016, of which disobedience has been alleged in this contempt application, sufficient steps have been taken by fixing the pension of the petitioner as well as releasing of gratuity and for the issue of leave encashment, a reasoned order dated

WEB COPY

09.10.2026 has been passed by the State Tax Commissioner-cum-Secretary, Bihar, Patna and in this regard, a supplementary show cause has already been filed and the statements made in paragraph No. 5 onwards may be perused. Learned counsels further submits that though only 90% of the petitioner's pension has been sanctioned and payment of leave encashment has been withheld but the same is due to pendency of CBI Case No. RC-63(A)/96 PAT, in which the petitioner is an accused and the same is in terms of Memo No. 3/F2-01/93/4564/ Finance (2) dated 06.07.1993 issued by the Finance Department of Bihar.

2. Learned counsel appearing for the petitioner submits that though the petitioner's grievance has been redressed but even then the payment of leave encashment is still due and the same is the present grievance of the petitioner. Learned counsel further submits that the order dated 09.10.2026 has been passed in the absence of the petitioner and without giving him an opportunity and the same is not in accordance with law and he wants to challenge the same.

3. Considering the above submissions made by learned counsels for the State-opposite parties and taking note of the averment that the petitioner's issue as to non-payment of leave encashment has been decided vide order 09.10.2026, so,

WEB COPY

there is no need to initiate contempt proceeding against the State-opposite parties, therefore, the instant matter stands disposed of. However, the petitioner is given a liberty to challenge the decision taken by the State Tax Commissioner-cum-Secretary, Bihar, Patna, vide order dated 09.10.2026, before appropriate forum.

(Shailendra Singh, J)

annu/-

U			

WEB COPY