

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5395 of 2015

Saryu Prasad Son of Late Banbari Ram Resident of Mohalla- Sahapur Pokhararpar,
P.O. Aurangabad, P.S. Aurangabad [T], District Aurangabad [Bihar].

.... Petitioner/s

Versus

1. The Bihar State Power Holding Comp. Ltd. through its Chairman.
2. The Joint Secretary, Bihar State Power Holding Comp. Ltd., Patna.
3. The Managing Director, South Bihar Power Distribution Company Ltd. Patna
4. The Chief Engineer-cum Inquiry officer, South Bihar Power Distribution Company Ltd., Patna.
5. The Officer on Special Duty C.H.R. cum Administration South Bihar Power Distribution Company Ltd. Patna
6. The Electric Executive Engineer, S.T.F. Patna.
7. The Junior Electric Engineer, Electric Supply Division, Kochos, Rohtas Sasaram.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6

For the Respondent/s : Mr. Vinay Kirti Singh

For the BSPHCL : Mr. Anand Kumar Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 07-04-2015

Learned counsel for the petitioner seeks permission to
make necessary amendment in the description of respondent nos. 1 &
2.

Let it be done by him in course of the day.

As with regard to the relief sought in this writ application
for quashing the resolution of the South Bihar Power Distribution
Company Limited, Patna dated 6.1.2014, this Court does not find any
justifiable reason to do so for a simple reason that if a pensioner
governed by the provision of Bihar Pension Rule is subjected to a



proceeding in terms of Rule 43(b) of the Rule, he has to face the proceedings unless he can establish that the proceeding is without jurisdiction or in excess of the provision of law. Learned counsel for the petitioner in fact has not made out any such case and in fact all that he has submitted is that the charge against the petitioner is absolutely incorrect. The moment the petitioner wants this Court to go into the merit of the charge, that has to be only seen in the departmental proceeding which has been initiated against the petitioner on 6.1.2014.

Mr.Anand Kr. Ojha, learned counsel for the respondent, informs this Court that the petitioner has already filed his show-cause reply and, thereafter, the departmental enquiry has also been initiated which is still pending.

Learned counsel for the petitioner then informs this Court that it is true that the petitioner is facing departmental proceeding and is also appearing before the enquiry officer but, then, at present the health of the petitioner is very bad and he cannot afford to keep running to the enquiry officer.

It thus becomes clear that the petitioner only has a grievance with regard to pendency of the departmental proceeding for a long time. That much concern of the petitioner has to be appreciated.

Considering all these aspects, this Court would direct the

competent authority to ensure that the departmental enquiry pending against the petitioner must be brought to its logical conclusion by submission of enquiry report within a period of four months from the date of receipt of this order whereafter the disciplinary authority shall pass appropriate order within next three months keeping in view that the copy of the enquiry report must be supplied to the petitioner before passing any order either exonerating or punishing the petitioner.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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