

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16982 of 2011

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1. Tetar Das S/O Late Ruplal Das R/O Mohalla- Sandalupr,P.O.- Mahendru,
P.S.- Sultanganj, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Social Welfare
Department, Government Of Bihar, Old Secretary, Patna

2. The Director Social Security And Disability Directorate, Shram Bhawan,
Near Income Tax Golambar, Patna

3. The Assistant Director, District Social Security Cell, Collectorate, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kuar

For the Respondent/s : Mr. Nirbhay K.Singh Gp26

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

4 27-01-2015

Heard Mr. Virendra Kuar and A.C. to G.P. 27 for the

State. A counter affidavit has been filed on behalf of the State.

The petitioner was serving as Headmaster in Government Blind High School, Kadamkuan, Patna. He was found absent from duty on 8.7.2011. By letter dated 21.7.2011 (Annexure-4), he was issued notice to show cause against such dereliction of duty. Subsequently, by order dated 6.9.2011, a proceeding was initiated against him and he was placed under suspension. The matter was considered on 25.10.2011 when the effect of order of suspension was stayed.

Counsel for the petitioner states that in the meanwhile during the pendency of this application, the petitioner attained the age of superannuation and retired on 31.8.2011.

Per contra, the State counsel has taken a stand that a

departmental proceeding was initiated inasmuch as a charge-sheet under From- Ka was served on the petitioner which remained pending on account of the pendency of this application.

Obviously, if the respondents want to proceed against the petitioner, the same will be under Rule 43B of the Bihar Pension Rules.

Counsel for the petitioner, in view of the aforesaid, submits that the application has become infructuous. If the petitioner is aggrieved by the persuasion of the proceeding under Rule 43B of the Bihar Pension Rules, he would seek his remedy in accordance with law.

Counsel for the State, considering the said stand taken by the petitioner, is not objecting the withdrawal of application which is having become infructuous.

Accordingly, the application is disposed of as having become infructuous. The order present will not preclude the petitioner from raising a grievance against the proceeding if continued by the respondents under the relevant provisions of the Bihar Pension Rules in accordance with law.

(Kishore Kumar Mandal, J)

Pankaj/-

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