

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16451 of 2010

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1. The State of Bihar through Chief Secretary, Bihar, Patna.
 2. The Principal Secretary, Home to Government of Bihar, Patna.
 3. The Director General of Police, Government of Bihar, Patna.
 4. The Deputy Secretary, Home Police, Government of Bihar, Patna.
- Petitioners.

Versus

1. The Union of India through the Secretary Department of Personnel and Administrative Reforms, New Delhi.
 2. Mr. Shafi Alam, S/O Late Mohammad Yusuf Tazie. R/O Ram Jaipal Nagar, Gola Road, Patna.
 3. Shri Afzal Amanulla, S/O Mr. Nihal Amnullah, working as Principal Secretary Urban Development, Government of Bihar, Patna.
- Respondents.
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Appearance :

For the Petitioners : Mr. S. Arshad Alam, SC-3.
Mr. Fakhruddin Ali Ahmad, AC to SC-3.

For the Respondent No.3 : Mr. S. Rahman, Adv.
Mr. Arun Kumar Prasad, Adv.

For the Respondent No.1 : Mr. Sanjay Kumar, ASG

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 07-05-2015

State is aggrieved by the order dated 28th of May, 2010 of the Central Administrative Tribunal, Patna Bench, Patna (hereinafter in short the 'Tribunal') passed in O.A. No.424 of 2009 by which the Tribunal has quashed Government of Bihar original memorandum dated 03.12.2008, whereby it has decided to initiate a departmental proceeding against the applicant-Mr. Shafi Alam. While doing so, the Tribunal also noticed and commented upon the conduct of several other Officers including the Senior Officers in the Bihar Secretariat.

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We have heard learned counsel for the State of Bihar at length and having failed to convince to make out a case for interference with the order of the Tribunal, he agrees not to press the application in so far as substantive relief given to the applicant before the Tribunal is concerned, but so far as the observations and strictures are concerned as against the other Officers of the Bihar Secretariat, he submits that the Officers were not before the Tribunal and, therefore, the Tribunal ought not to have commented adversely upon their conduct. We agree with the submission. The order of the Tribunal in so far as it adversely comments upon the conduct of the Officers shall be deemed to be deleted and shall never be taken into consideration for any purpose against any of those Officers. To this extent, the petitioners-the State of Bihar and others are entitled to the relief as sought for.

In the result, substantively the writ petition is disposed of as not pressed.

(Navaniti Prasad Singh, J.)

(Rajendra Kumar Mishra, J.)

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