

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21756 of 2014

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Rohini Kant Das, Son of Late Bhup Narayan Das @ Rup Narayan Das,
resident of village- Simari Navtol, P.S. Raj Nagar, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Principle Secretary, Animal Husbandry and Fish Resource Department, Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Director Fisheries, Bihar, Patna.
4. The District Fisheries Officer- cum- Chief Executive Officer, Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mrs. Mahasweta Chatterjee, Advocate
: Mr. Ram Nibas Prasad, Advocate
For the Respondent/s : Mr. Partha Sarthi, GA-11
: Mr. Apurva Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 04-12-2015 Heard learned counsel for the petitioner and the State.

The petitioner has retired on 30.04.20012 as Fisheries Inspector from the office of District Fisheries Officer, Madhubani.

After almost 2 ½ years of his retirement, he sought to be departmentally proceeded vide letter no. 1515 dated 29.09.2014 issued on 30.09.2014.

Counsel for the State submits that the petitioner can be proceeded under Rule 43 (b) of the Bihar Pension Rules, if the misconduct has been committed within four years from the date of initiation of the proceeding.

I would agree with the submission of State that once

the petitioner has retired, the contract of service comes to end and as such he could not have been proceeded departmentally after his retirement, if the proceeding had earlier not been initiated. The employee could be proceeded only under the Bihar Pension Rules, that too subject to Rule of limitation.

The initiation of departmental proceeding is accordingly quashed with liberty to the respondents to proceed under any other law, which may be permissible.

With the aforesaid observation, this writ application stands disposed of.

(Samarendra Pratap Singh, J.)

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