

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2691 of 2013

In
Civil Writ Jurisdiction Case No. 12820 of 2009

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Jagat Nandan Kumar, son of late Sheo Sharan Singh, resident of Village Sri Bigha, P.S. Sakurabad and Distt. Gaya (Petitioner).

.... Petitioner/s

Versus

1. State of Bihar.
2. Mr. Asutosh Kumar, the Director (Primary Education) Department of Human Resources Development, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
3. Mr. Bala Murgadi, IAS, the District Officer, Gaya.
4. Mr. Binod Jha, the District Education Officer, Gaya.

.... Opposite Parties

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Appearance :

For the Petitioner/s : None

For the O.P. : Mr. Gautam Bose, AAG-8

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 21-04-2015 No one appears for the petitioner. Learned counsel for the opposite parties are present.

In paragraph no.10 of the contempt application which was filed on 30.4.2013, it has been stated that the departmental proceeding initiated against the petitioner by an order dated 26.11.2008 has not been concluded despite a direction of this Court in the order dated 11.5.2012 in CWJC No. 12820 of 2009.

Learned counsel for the State is also not aware as to whether such departmental proceeding has still remained pending.

The absence of the learned counsel for the petitioner as well as non-filing of the show-cause reply will leave nothing for this Court but to conclude that the departmental proceeding

against the petitioner has already come to an end.

Let it be noted that the petitioner was aged about 60 years in the year 2013 when this contempt application was filed on 30.4.2013. Thus on account of intervening events in last two years, the things may have already changed.

Be that as it may, this Court would still direct the District Education Officer, Gaya to ensure that if the departmental proceeding against the petitioner has not been concluded as yet, the same must be concluded forthwith so that the petitioner's payment of retirement benefit does not get unnecessarily delayed only on account of pendency of the departmental proceeding. On the other hand, if the departmental proceeding has already been concluded, no further action is required to be taken at least on the basis of this order.

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

(Mihir Kumar Jha, J)

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