

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3062 of 2014

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1. Mukesh Kumar Sinha S/O Manoj Kr. Sinha Land Reform Deputy
Collector, Forbesganj, Distt- Araria (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Govt. Of Bihar, Patna.
2. The Secretary, General Administration Department, Bihar, Patna.
3. The Secretary, Revenue & Land Reforms Department, Government Of Bihar, Patna.
4. The Divisional Commissioner, Purnea.
5. The Collector, Araria.
6. The Additional Collector, Araria.
7. The Sub- Divisional Officer, Forbesganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate

For the Respondent/s : Mr. Kamlesh Kishore, AC to SC-12.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

6 09-11-2016 Heard Mr. Rajendra Prasad Singh, learned senior

counsel appearing on behalf of the petitioner and learned counsel

for the State.

The petitioner is aggrieved by the order bearing memo
no.362 dated 21.01.2014 of the Commissioner Purnia Division,
Purnea whereby restraint has been issued regarding the
adjudicatory work being done by the petitioner as the Land
Reforms Deputy Collector under the Bihar Land Dispute
Resolution Act impugned at Annexure-1. The petitioner also
questions the initiation of the departmental proceeding vide memo
bearing no.758 dated 21.02.2014 impugned at Annexure-2 which
is the foundation for Annexure-1.

Mr. Singh has argued on the jurisdiction of the

Commissioner to pass any restraint order on the adjudicatory power vested in the Land Reforms Deputy Collector under 'the Act' but while questioning such jurisdiction, he admits that following the order present at Annexure-1, the petitioner has been transferred from the post. He however proceeds to submit that although the disciplinary proceeding was initiated in January, 2014 and a period of almost three years is going to lapse but the proceeding has not progressed.

The learned State counsel is not in a position to contest the submission or to inform the Court as to the status of the disciplinary proceeding.

Having heard the learned counsel for the parties and in the circumstances discussed where the petitioner has been transferred out, the relief against Annexure-1 is rendered infructuous. However, considering that the disciplinary proceeding is pending for almost three years now, I deem it fit and proper to direct the disciplinary authority to take all possible steps to conclude the departmental proceeding expeditiously and preferably within a period of six months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

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