

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.245 of 2016
IN
Civil Writ Jurisdiction Case No. 2085 of 2009**

- =====
1. The State Of Bihar
 2. The Principal Secretary, Department of Water Resources (Minor Irrigation) Government of Bihar,Vikash Bhawan, Patna.
 3. The Deputy Secretary, Water Resources Department, Government of Bihar, Vikash Bhawan, Patna.
 4. The Joint Secretary , Department of Water Resources (Minor Irrigation) Government of Bihar, Vikash Bhawan, Patna

.... Appellant/s

Versus

1. Manzoorul Hassan Ansari S/o late Mahmuddol Hassan Ansari R/o Village- & PO Damoddar PS Kanti District Muzaffarpur.
2. The State of Jharkhand .
3. The Secretary, Water Resources Department , Government of Jharkhand, Nepal House Ranchi.
4. The Deputy Secretary,Water Resources Department , Government of Jharkhand, Nepal House Ranchi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Syed Iqbal Ahmad, SC 20
Mr. Mahtab Ahmad, AC to SC 20

For the Respondent/s :

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

Date: 22-12-2016

Re.: Interlocutory Application No.972 of 2016

The application is for condonation of delay of 3 years
and 22 days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find
that sufficient cause is made out for condonation of delay.



Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re: Letters Patent Appeal No. 245 of 2016

The present Letters Patent Appeal is directed against the order of learned Single Judge dated 8th July, 2011 passed in C.W.J.C. No. 2085 of 2009 whereby the appellants were directed to pay arrears of salary to the writ applicant from the date of his suspension till revocation less after adjusting the amount which has been paid towards subsistence allowance.

The writ applicant was placed under suspension 21.6.1988 for the reason that a tractor of the department went missing. The criminal case was registered against him and so was a departmental proceeding. The criminal proceedings recorded acquittal on 29.5.1998 but the suspension was revoked on 16.6.1993 when it was observed that the order of punishment will be pronounced later on. However, no order of punishment was announced which led the learned Single Judge of this Court to direct the appellants to pay the subsistence allowance in view of the fact that no punishment was imposed upon the writ applicant.

Learned counsel for the appellant refers to communication dated 16.6.1993 wherein, there is reference of



conclusion of enquiry proceedings and revocation of suspension but it was also ordered that the order of punishment shall be announced subsequently. The appellants have not produced the order of punishment before the learned Single Judge or before this Court but it is submitted that the order of punishment could not be passed as in the meantime there was bifurcation of State.

We do not find any merit in the present appeal. The suspension was revoked in the year 1993 whereas the State of Jharkhand was carved out on the 15th Day of November, 2000, thus almost for seven years the matter remained pending before the Government but the order of punishment was not announced. Since there was no order of punishment passed against the writ applicant, we do not find any reason which may warrant any interference in the order of the learned Single Judge.

The Letters Patent Appeal is dismissed accordingly.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Anil/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

