

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11347 of 2013

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Om Prakash Gupta son of Sri Sita Ram Gupta, resident of village –Bhaisasoor, PS-Bihar Sharif, PS-Bihar, District-Nalanda, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary-cum-Director, Information and Public Relations Department, Government of Bihar, Patna.
3. The Director, Information and Public Relations Department, Government of Bihar, Patna.
4. The Deputy Director, (Establishment), Information and Public Relations Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Mrigank Mauli, Sanket and Prince Kr. Mishra, Advs.

For the Respondent/s : M/s Manoj Kumar Ambastha and Subodh Kumar

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-09-2016

Heard learned counsel for the petitioner and learned counsel for the State.

The counsel for the petitioner has sought relief of A.C.P.

The counsel for the State has submitted that a criminal case is pending against the petitioner and placed reliance on the judgment of this Court passed in L.P.A. No. 758 of 2015 (State of Bihar vs. Dharendra Prasad Shrivastava) where the Court has held that in case of pending of criminal case, relief of A.C.P. could not be granted.

In such view of the matter, the claim of the petitioner

for the A.C.P. is not maintainable and the same is rejected.

The counsel for the petitioner submits that the petitioner was put to departmental proceeding and remained suspended for the period from 25.09.1995 to 23.09.1998, later on exonerated in the departmental proceeding, in such circumstances, he should be given the difference of salary which he is entitled to.

The petitioner should file a fresh and proper representation before the competent authority, who will examine the case of petitioner, take into consideration that the petitioner has not been put to any punishment, pass the order in accordance with law.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
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