

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9080 of 2011

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Arvind Kumar S/o Late Lakhpat Sharma R/o Rahul Nagar, P.O. Khabra,
P.S. Sadar, Distt. Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary cum Agriculture Production Commissioner,
Department of Agriculture, Vikash Sachivalaya, Patna, Bihar
3. The Principal Secretary cum Commissioner, Cabinet Vigilance Deptt.
Govt. of Bihar, Patna
4. The Director, Department of Agriculture, Vikash Sachivalaya, Patna
,Bihar
5. The Director Administration, Department of Agriculture, Vikash
Sachivalaya, Patna , Bihar

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashutosh Ranjan Pandey

For the Respondent/s : AC to GP 30

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

12. 03-05-2016 Heard Sri Ashutosh Ranjan Pandey, learned counsel
for the petitioner and learned A.C. to Govt. Pleader – 30.

The petitioner has approached this Court, with a prayer to quash an order, contained in memo no. 1049 dated 22-07-2006 (**Annexure 13** to the writ petition) and also for directing the respondents to grant consequential benefit after quashing the said order.

In the writ petition, earlier counter affidavit was filed on behalf of respondent no. 2, 4 & 5, wherein, it was indicated that the Vigilance Department has been asked regarding the



disproportionate assets case against the petitioner, however; subsequently another counter affidavit was filed on behalf of respondent no. 2, 4 & 5 on 26th February, 2016 and in paragraph - 8, it was categorically stated that before the Vigilance Investigation Bureau, the charge of disproportionate assets against the petitioner was not found proved and the Bureau has closed the case, which was intimated to the Principal Secretary, Vigilance Department. Thereafter, it was indicated that in the light of letter of the Vigilance Department, the respondents were intending to take final decision within 15 days.

Afcourse, after second counter affidavit, which was filed on 26th February, 2016, no further affidavit was filed by the State, but the petitioner, by way of filing supplementary affidavit, has brought on record an order contained in memo no. 103 dated 04-03-2016 issued under the signature of Director-cum-Addl. Secretary, Agriculture Directorate, Govt. of Bihar, Patna.

Sri Pandey, learned counsel for the petitioner submits that by way of issuance of **Annexure – 16** i.e. memo dated 04-03-2016, which has been annexed with the supplementary affidavit of the petitioner filed on 26th April, 2016, the entire punishment order dated 22-07-2006 (**Annexure – 13**), which was assailed by the petitioner in the writ petition, has already been

withdrawn. He submits that once the punishment order has already been withdrawn, certainly the petitioner is entitled to get consequential benefit.

The Court is in agreement with the submission of learned counsel for the petitioner.

Accordingly, in view of order dated 04-03-2016 of Director-cum-Addl. Secretary, Agriculture Deptt., Bihar (**Annexure 16** to the supplementary affidavit), respondents are directed to take all steps to grant consequential benefits to the petitioner, which may be provided to the petitioner, preferably; within a period of three months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

(**Rakesh Kumar, J.**)

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