

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.255 of 2016

IN

LPA No. 1596 of 2012

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Bal Krishna Gupta, son of Late Nandan Shah, resident of at present Qr. No. 303,
Pushp Shri Indane, North Patel Nagar, P.S. Shastri Nagar, District Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Minor Irrigation Department, Government of Bihar, Patna
3. The Joint Secretary, Minor Irrigation Department, Govt. of Bihar, Patna
4. The Deputy Secretary, Minor Irrigation Department, Govt. of Bihar, Patna
5. The Accountant General, Bihar, Patna
6. The District Development Commissioner, Aurangabad

.... Respondent/s

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Appearance :

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

For the State : Mr. Ram Vinay Pd. Singh, AC to GA-XII

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 01-08-2016

Heard Sri Rajendra Prasad Singh, learned Senior
counsel for the petitioner and learned counsel for the State.

This review application has been filed for
reviewing the judgment and order of this Court dated 29.01.2016,
passed in L.P.A. No. 1596 of 2012(Bal Krishna Gupta Vs. The State
of Bihar and others). The said letters patent appeal was allowed after
hearing the parties. It was, inter alia, ordered that the order of
dismissal pursuant to disciplinary proceeding be set aside and
proceedings were to start de novo from the stage of service of charge.

It was not a de novo proceeding in the sense that it had to be reinitiated de novo. Therefore, the submission of Sri Rajendra Prasad Singh that in terms of Rule 43(b) of the Bihar Pension Rules the disciplinary proceeding could not now be initiated does not stand to reason.

Sri Singh brought to our notice that the disciplinary proceedings have not been concluded as directed in the letters patent appeal and the review petitioner is penniless.

Let review petitioner bring it to the notice of the authorities, who will expedite the matter in accordance with the orders passed in the letters patent appeal, and failure to follow it, the Court may take serious view of the matter, inasmuch, the authorities are already in contempt. However, the time is extended by another six months from today, failing which this Court would suo motu initiate contempt proceedings.

This review application stands disposed of.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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