

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14202 of 2013

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1. Dinesh Prasad Rai (now retired from the post of Accounts Clerk), son of late Ram Charitar Rai Resident Of Village - Salempur, P.S. Musari Gharari, District - Samastipur

.... Petitioner

Versus

1. The State Of Bihar
2. Secretary to the Government, Department Of Minor Irrigation, Bihar, Patna
3. Chief Engineer, Minor Irrigation Department, North, Muzaffarpur
4. Superintending Engineer, Minor Irrigation Circle Darbhanga Cum Enquiry Conducting Officer
5. Executive Engineer, Minor Irrigation Division, Madhubani Cum Representative Of The Department In The Departmental Proceeding

.... Respondents

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Richi Raj Sinha, SC-19
Mr. Avanendra Jha, J.C.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-11-2016 None appears on behalf of the learned counsel for the petitioner.

Heard learned counsel for the State.

In the writ application, the claim has been made by the petitioner to direct the respondents-authorities to pay the entire salary during suspension period from 21.06.2006 to 02.02.2007.

As it appears that the petitioner during his service period was put under suspension. A departmental proceeding was initiated against the petitioner by the competent authority and the respondent-authority has passed office order no. 110

dated 01.02.2007 awarded punishment and also ordered for non payment of the salary for the suspension period except subsistence allowance.

The proceeding shows adverse finding against the petitioner, which was challenged before this Court in C.W.J.C. No. 6529 of 2009 and the Court has recorded a finding that the Conducting Officer has played a role of Judge as well as the Executioner, which cannot be sustained before the court of law. On that account, the order of punishment was set aside without giving liberty to further enquiry. In pursuance thereof, the claim of the petitioner was considered which has been mentioned in paragraph-8 of this application.

It has been submitted that the claim of the petitioner was considered by the respondent-authority in light of the order dated 05.08.2011 passed by this Hon'ble Court and differences of salary has been paid to the petitioner, in that view of the matter, this application does not require any further enquiry and has been rendered infructuous.

In view of the statement made in the counter affidavit, this application is dismissed as having become infructuous.

(Shivaji Pandey, J)

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