

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.487 of 2017

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Shekhar Chandra Verma, Son of Late Pradip Narayan Prasad, resident of
Rajbanshi Nagar P.S.-Shastri Nagar, District-Patna

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, General Administration,
Department, Bihar, Patna
2. The Principal Secretary, General Administration Department, Govt. of Bihar,
Patna
3. The Joint Secretary, General Administration, Department, Govt. of Bihar Patna
4. The Principal Secretary, Health Department, Govt. of Bihar

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Rama Kant Sharma, Sr. Advocate Mr. Prabhat Kumar Singh, Advocate
For the State	:	Mr. H. S. Sundaram, A.C. to S.C. 8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-01-2017

Heard parties.

This writ application has been filed for a direction to the respondent authorities to grant promotion and consequential monetary benefits to the petitioner after dropping the departmental proceeding initiated against him on the consideration of the representation dated 09.12.2016 filed by the petitioner.

A departmental proceeding was initiated against the petitioner vide Annexure 3 dated 12.08.2015.

At the time of hearing of this writ application, the petitioner confines his relief only for a direction to the disciplinary



authority to take a final decision in his matter in which departmental proceeding was initiated against him in the facts and circumstances as stated below.

By filing supplementary affidavit, the petitioner draws attention that the enquiry was held and enquiry officer has submitted his report which has been appended as Annexure P to the supplementary affidavit on 29.03.2016 exonerating him from the charges. However, a show cause notice was issued against the petitioner seeking his reply as disciplinary authority was not agreeing with the finding of the enquiry officer. Petitioner claims that he filed reply and, thereafter, the matter proceeded and vide Annexure Q, a proposal was forwarded to the Minister-in-Charge to accept the explanation of the petitioner and drop/consign the disciplinary proceeding. Thereafter, there is a report of the Chief Secretary on the file dated 07.10.2016 stating that for the aforesaid irregularities, if the department does not find the delinquent officer responsible then it may be clarified that who were responsible for holding examination, evaluation and publication of result so that responsibility could be fixed for the aforesaid irregularities.

It is contended that the departmental proceeding, which commenced in the year 2015, has not been concluded by taking a final decision as yet and the petitioner is going to retire on



31st of January, 2017.

In above view of the matter, this writ application is being disposed of with a direction to the disciplinary authority to take a final decision on its own merit and in accordance with law in the departmental proceeding initiated against the petitioner, on or before 31st of January, 2017 as petitioner is going to retire on that date.

It goes without saying that if the petitioner is exonerated then he would be entitled for all the consequential benefits.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.01.2017
Transmission Date	NA

