

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8942 of 2017

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1. Prabhat Kumar Sinha, son of Late Madan Mohan Prasad Sinha, resident of Mohalla- Jhilganj, Peepalgali, Pahasi Road P.S. Kotwali Dist- Gaya at present posted at Block Kutumba P.S. Kutumba Dist- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna-1.
4. The Joint Secretary, Panchayat Raj Department, Govt. of Bihar, Patna-1.
5. The Director, Panchayat Raj Dept. Govt. of Bihar, Patna.
6. The District Magistrate, Aurangabad.
7. The District Panchayat Raj Officer, Aurangabad.
8. The Block Development Officer, Kutumba, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Adv.

For the Respondent/s : Mr. Kumar Alok-SC7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-08-2017

The petitioner prays for a direction to the respondents to drop the departmental proceeding initiated against him vide service of memo of charges dated 3.8.2016, a copy of which is on record at Annexure-9 series. The petitioner had earlier come before this Court in C.W.J.C.No.11886 of 2014 inter alia for a direction to the respondents to pay salary pending payment since March 2014. The writ petition was disposed of with the direction to the Principal Secretary to examine the matter and dispose of the grievance. The matter got delayed resulting in filing of the contempt application



giving rise to M.J.C.No.381 of 2015 and which was disposed of taking notice of the fact that the order is complied. Since according to the petitioner yet some salary was pending payment as stated by him in paragraph 19 of the writ petition that he again came before this Court in C.W.J.C. No. 13193 of 2015 and the learned Single Judge finding that the departmental proceeding in question had been initiated against the petitioner, issued directions to the petitioner to face the enquiry. Feeling aggrieved the petitioner filed a Letters Patent Appeal bearing L.P.A.No.985 of 2016 which was dismissed with an observation that if the petitioner does not participate in the enquiry it shall be open to the Enquiry Officer to act in accordance with the law so as to dispose of the departmental proceeding. Where neither the Single Judge nor the Division Bench did choose to interfere with the initiation of disciplinary proceeding initiated against the petitioner rather directions were issued to the petitioner to participate in the enquiry, he has again returned this Court to question the initiation of the disciplinary proceeding.

This writ petition is thoroughly misconceived and is dismissed accordingly.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.08.2017
Transmission Date	NA

