

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.463 of 2012

In

Civil Writ Jurisdiction Case No. 14944 of 2007

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The State of Bihar

.... Petitioner/s

Versus

1. Sunil Kumar
2. The State of Bihar through its Secretary-cum-Commissioner Tourism Department, Old Secretariat, Patna.
3. The Director Tourism Department old Secretary, Patna.
4. The Deputy Director Tourism Department Old Secretary, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey, Advocate.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL JUDGMENT

Date: 27-02-2017

The petitioner has prayed for review of order dated 16.07.2009 passed in C.W.J.C. No. 14944 of 2007 by which this Court has directed the Chief Secretary of the Government of Bihar to move the State Government for taking disciplinary action against Mr. R.S. Tiwary, the then Secretary to the Tourism Department in accordance with law.

Submission on behalf of the petitioner is that the then Secretary of the Tourism Department namely, Sri R.S. Tiwary, has superannuated from service on 31.01.2007 and the order dated 16.07.2009 passed in C.W.J.C. No. 14944 of 2007 was produced before the Tourism Department by the writ petitioner on 21.07.2010.



Moreover, the State Government has recommended for action against Mr. Tiwary to the Central Government vide letter no. 6/Nayay-03/2011-s.Pr.-4238 dated 20.03.2012 but the Central Government vide letter no. 106/4/2012-AVD-1 (Annexure 6), dated 11.04.2012 has informed the Government of Bihar that no proceeding can be initiated under Rule 6 of AIS (DCRB) Rules, 1958 as more than four years elapsed from the date of misconduct and Sri Tiwary have already superannuated from service on 31.01.2007.

Submission on behalf of the petitioner is that now in the light of letter above stated dated 11.04.2012, it is difficult to initiate any proceeding against the then Secretary, Mr. Tiwary. It is further submitted that however, Mr. Tiwary has not been assigned any new assignment after his superannuation and therefore, in the aforesaid facts and circumstances, the portion of the order dated 16.07.2009 by which direction for initiating action against Mr. Tiwary be expunged from the impugned order dated 16.07.2009.

The Annexure 6 to the writ petition goes to show that no proceeding can be initiated against the then Secretary, Tourism Department namely, Mr. R.S. Tiwary in the light of direction given by this Court dated 16.07.2009 passed in C.W.J.C. No. 14944 of 2007 and therefore, it is explicit clear that the aforesaid direction/



observation of this Court has already became redundant.

Accordingly, this review petition stands disposed off.

(Hemant Kumar Srivastava, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	1.3.2017
Transmission Date	

