

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.378 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 12583 of 2006**

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1. The State of Bihar.

2. The Secretary, Department of Animal Husbandry & Fisheries, Govt. of Bihar, Patna.

.... Respondent No. 1 / Appellant

Versus

1. Chhote Lal Choudhary S/o Late Bihari Choudhary Resident of Raushan Lal Colony, Harnichak, Bypass Road, Anisabad, Patna.

2. The Deputy Secretary to the Government, Department of Animal Husbandry & Fisheries, Bihar, Patna.

3. The Director, Department of Animal Husbandry & Fisheries, Government of Bihar, Patna.

4. The Accountant General, Bihar, Birchand patel Path, Patna.

5. The Joint Secretary to the Government Department of Animal Husbandry & Fisheries, Bihar, Patna.

.... Respondents / Proforma Respondents.

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Appearance:

For the Appellant/s : Mr. Narendra Kumar Singh, AC to GP 2.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 28-06-2017

Heard counsel for the appellants-State.

Perused the impugned order dated 12.12.2013.

If the learned Single Judge by following the judicial pronouncements, which have been taken note of in the impugned order, has allowed the Writ Application and held that in absence of any show cause or notice or procedure having been followed under Rule 97 of the Bihar Service Code, withholding of salary for the



period of suspension for the period 08.04.1996 to 23.10.1997 to be bad, he has committed no error in law.

What is of significance is that the private respondent retired way back in the year 2002 and the decision to withhold his salary, except subsistence allowance was passed on 20.07.2005. We are of the opinion that the learned Single Judge rightly did not remand the matter back for such a stale issue.

There is no infirmity in the order of the learned Single Judge which requires rectification in appeal.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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