

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.20763 of 2010**

=====

Ganesh Prasad Singh, s/o late Dev Narayan Singh, resident of Gangjala, Near Vir  
Kunwar Singh High School, P.S. Saharsa, Distt. Saharsa

.... .... Petitioner/s

Versus

The State of Bihar & Ors

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sanat Kumar Mishra, Advocate

For the Respondent/s : Mr. Prabhat Kr Verma, AAG 3

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**ORAL JUDGMENT**

**Date: 10-08-2017**

Petitioner was working as an Executive Engineer. After his retirement on attaining the age of superannuation on 31.7.2003, it seems that a memo of charge proposing to hold a departmental proceeding under Rule 43B of the Bihar Pension Rules was issued to the petitioner on 1.4.2010.

Inter alia contending that there is inordinate delay in issuing the charge-sheet and for stale charges the departmental enquiry cannot be held, the writ petition in question was filed and prima facie finding a case made out, on 3.1.2011, the departmental proceeding was stayed by this Court.

Even though Mr. P.K. Verma, learned Additional Advocate General-3, points out that there is no delay in initiating the proceedings, the matter was pending before the Lokayukta and based on the recommendation by the Lokayukta, charges were already



framed, the fact remains that today because of the stay granted by this Court, departmental proceedings into the matter has not been held and it is reported that now the petitioner has expired.

That being so, now after the expiry of the petitioner, no departmental enquiry can be conducted against a dead person and on this count alone the entire proceeding has to and is accordingly closed.

**(Rajendra Menon, CJ)**

K.C.jha/-

|                   |           |
|-------------------|-----------|
| AFR/NAFR          | NAFR      |
| CAV DATE          | N/A       |
| Uploading Date    | 19.8.2017 |
| Transmission Date | N/A       |

