

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.315 of 2014
IN
Civil Writ Jurisdiction Case No. 16352 of 2012**

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Giridhari Lal Son of Late Mangal Das, District Sub-Registrar, Bhojpur (Since Retired), Presently Residing at Mohalla- Barkhat Khan Ka Akhada, P.O. Patna City, P.S. Khajekalan, District- Patna- 800008

.... Appellant/s

Versus

1. The State Of Bihar, through the Chief Secretary, Government Of Bihar, Patna
2. The Inspector General of Registration, Bihar Vikas Bhawan, Patna
3. The Deputy Secretary to the Government Of Bihar, Registration, Excise And Prohibition Department, (Registration), Bihar Vikas Bhawan, Patna
4. The Collector-Cum-District Registrar, Bhojpur District- Ara
5. The Conducting Officer, Departmental Additional Collector-Cum-Departmental Enquiry, Bhojpur, District- Bhojpur (Since Dead), Now Deputy Registration Inspector General, Bihar, Patna
6. The Presenting Officer, District-Sub-Registrar, Bhojpur, Now Section Officer, Section- 8, Registration Department, Bihar, Patna
7. The Registrar, Civil Court, Patna

.... Respondent/s

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Appearance :

For the Appellant : Mr. Rameshwar Pandey, Advocate
For the State : Mr. Raghwanand, GA-11
Mr. AC to GA-11

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH**
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 24-03-2017

A memo of charge was issued to the petitioner on 04.04.2012 after he was superannuated on 31.07.2008. Challenging the memo of charge on the ground of delay and the right of the Department to conduct the departmental proceeding after his retirement, the writ petition was filed and the learned Writ Court held that at this stage when only a memo of charge is issued, interference is



not called for. Only after the enquiry is completed and punishment order is passed, cause will accrue to the petitioner to challenge the same.

Now we are informed that the departmental enquiry has culminated in imposition of punishment. That being so, the petitioner is at liberty to challenge the punishment order afresh in accordance with law. In this appeal, now after the departmental proceeding has culminated in imposition of punishment, validity of the memo of charge cannot be looked into. However, grounds raised in this appeal with regard to the right of the Department to issue the memo of charge after retirement and the delay in issuance of the memo of charge are left open to be considered by the competent Court, in case challenge to the punishment order is made.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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