

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2080 of 2016

In

Civil Writ Jurisdiction Case No.226 of 2015

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1. The State Of Bihar, through the Principal Secretary, Land Reforms Department, Government of Bihar, Old Secretariat, Patna.
 2. The Principal Secretary, Land Reforms Department, Government of Bihar, Old Secretariat, Patna.
 3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
 4. The District Magistrate, Muzaffarpur.
 5. The Additional Collector, Muzaffarpur.
 6. The Deputy Collector (Establishment). Muzaffarpur.
 7. The Deputy Collector Land Reforms, West Muzaffarpur.
 8. The Enquiry officer-cum-District Planning Officer, Muzaffarpur.
 9. The Sub Divisional officer, West Muzaffarpur.

... .. Appellant/s

Versus

Nawal Kishore Singh, S/o Late Saryug Singh, Resident of Village- Fatehpur,
P.O.- Rajla, P.S.- Kurhani Town, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhu Narayan Sharma, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-10-2017

I.A. No.8641 of 2016

Delay of 53 days in filing of the appeal is
condoned and I.A. No.8641 of 2016 stands allowed and



disposed of.

Having heard learned counsel for the State, we find that this appeal has been filed by the State Government seeking exception to an order dated 9.8.2016 passed by the learned Writ Court in C.W.J.C. No.226/2015.

The employee superannuated on 31.8.2014 and a punishment was communicated to him vide order dated 8.9.2014. Even though a decision to impose punishment was communicated to the employee on 28.8.2014 i.e. two days before retirement, the punishment was stoppage of two increments with cumulative effect.

Once the employee retired on 31.8.2014, imposition of this punishment was not permissible and the only punishment that could be imposed in the facts of the case was of a punishment contemplated under Rule 43(b) of the Bihar Pension Rules.

The learned Writ Court has held that a punishment which is not contemplated in Rule 43(b) cannot be imposed and has interfered into the matter. We find no error in the impugned order.



Accordingly, finding no merit in the appeal, the same stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	9.10.2017
Transmission Date	

