

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4418 of 2011

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Radhey Shyam Singh, S/O Late Priyabrat Narain Singh, R/O B/30, Budha Colony,
P.S.Budha Colony, Distt-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. Principal Secretary cum Commissioner, Department Of Personnel & Administrative Reforms Govt. Of Bihar, Patna.
3. Secretary, Home (Police) Department Of Home, Govt. of Bihar, Patna.
4. Deputy Secretary, Department Of Home (Police), Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigank Mauli, Advocate

For the Respondent/s : Mr. Narendra Kumar Singh, AC to GP 22

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 10-08-2017

Petitioner was a Deputy Superintendent of Police and on attaining the age of superannuation retired on 31.01.2000. However, after seven years of his retirement on 08.10.2007, he was issued with a memorandum proposing to hold departmental enquiry against him with regard to certain instances which is said to have happened in the year 1994-95 when the petitioner was in service. *Inter alia* contending that the departmental proceedings held against the petitioner after his retirement under Rule 43(b) of the Bihar Pension Rules is not



permissible, as the departmental proceedings are not being held within four years from the date of occurrence of the incidents; this writ petition has been filed.

Even though, various grounds are raised in the writ petition, it is admitted position that along with the petitioner, on the same set of charges, two retired employees, namely Sri Chandrashekhar Prasad Singh and Rajeshwar Prasad Singh were proceeded with and these two employees also challenged the departmental proceedings initiated against them under Rule 43(b) of the Bihar Pension Rules by approaching this Court in CWJC No.16757 of 2009 and CWJC No.4758 of 2008 and after taking note of the principles of law laid down by a Division Bench of this Court in the case of **Ashok Kumar Mishra versus State of Bihar**, 2003(1) PLJR 172, holding that the event for which the departmental enquiry is initiated is more than four years prior to issuance of the charge memo, identical charges and memos have been quashed, vide orders passed on 16.08.2011 and 28.4.2011 respectively.

That being so, for the same reasons, this writ petition is also liable to be allowed as in the case of the present petitioners, proceedings have been initiated after more than four years of the occurrence of the event in question.

In view of the above, this writ petition is allowed,



proceedings initiated against the petitioner vide Annexure-1, dated 08.10.2007, stands quashed.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2017
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