

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.234 of 2013

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Rajeev Kumar Jha, son of Shri Shayama Kant Jha, R/O Ramesh Jha Road,
Gangjala, P.S. - Saharsa, District - Saharsa

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Transport,
Government of Bihar, Patna
2. D.T.O., Supaul
3. Neelam Devi, W/O Late Ramesh Kumar Mishra, R/O Tiwary Tola,
Saharsa, P.S. & District - Saharsa
4. Dipak Mishra, S/O Late Ramesh Kumar Mishra, R/O Tiwary Tola,
Saharsa, P.S. & District - Saharsa

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Pravin Kumar Sinha, Advocate
For the State : Mr. Manoj Kumar Ambastha, S.C.-26
Mr. Subodh Kumar, A.C. to S.C.26

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

16 23-03-2017 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

In the present case, the State Transport Commissioner
has been asked to be personally present before this Court to
explain the delay in submitting the Action Taken Report (ATR),
which was earlier directed, vide order dated 15.12.2014.

In the said ATR, this Court had been informed that
the application of the petitioner for registration of the vehicle
has been rejected and such an order is appealable before the
Tribunal. However, taking serious note of the fact that the
Department had taken half-hearted measures in the disciplinary



matter against the concerned erring employee, the Court had directed the State Transport Commissioner to come out with a clear-cut report as to what final action had been taken against those erring officials/employees of the Transport Department, as directed in the earlier order of this Court dated 15.12.2014.

This Court thereafter on several occasions, sent reminders for filing the ATR, but on each occasion, the report so sent were not satisfactory. Accordingly, vide order dated 8.3.2017, this Court had, once again, directed the State Transport Commissioner to be personally present to explain his inaction and also to explain the final stage of the proceeding, which is said to have been initiated against the erring official.

Pursuant to the said order, the State Transport Commissioner is personally present in Court today and a supplementary counter affidavit has been filed on his behalf through his Counsel explaining the delay and also submitted that now the final report has been submitted against the delinquent by the enquiry officer on 18.1.2017 and thereafter, the delinquent has been issued the second show cause notice under sub-rule (2) of Rule 18(3) of Bihar Government Servant (Classification, Control & Appeal) Rules, 2005, on 13.02.2017, which was served on the delinquent on 18.03.2017.



Accordingly, it appears that the matter has been sufficiently expedited by the concerned functionaries and appropriate action would ensue in accordance with rules. The ATR has also been submitted before the Registrar, Patna High Court, Patna.

In the aforementioned facts and circumstances, the personal appearance of the State Transport Commissioner stands dispensed with.

In view of the fact that the application of the petitioner has already been rejected by the authorities, he may avail any appropriate remedy, if so advised, in accordance with law.

The writ application is dismissed.

(Anjana Mishra, J)

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