

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3619 of 2014

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Suresh Kumar Son Of Late Nanu Mahto Resident Mohalla - Mugalpora,
P.S. - Laheriasarai, District - Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar through The Chief Secretary, Govt. Of Bihar, Patna
2. The D.G. Of Police, Bihar, Patna
3. The A.D.G, C.I.D. Bihar, Patna
4. The D.I.G. (D.N.), C.I.D. , Patna
5. The S.P. (A), Special Branch, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Niraj Kumar Sinha, Advocate
For the Respondent/s : Mr. Rajiv Roy, G.P. 1
Mr. Arun Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 06-07-2017

Heard learned counsel for the petitioner and

Mr. Rajiv Roy, learned Government Pleader-1 for the State.

The present writ application has been filed with a prayer for direction to respondent authorities to stay the further proceeding of Special Branch Departmental Proceeding No. 8/012 pending against the petitioner till disposal of the criminal case being Vigilance P.S. Case No. 72/2010, pending in the Court of learned Special Judge, Vigilance, Patna which was instituted for the same charge. Further prayer has been made to quash the order dated 31.01.2014, passed by respondent no. 4.

Mr. Rajiv Roy, learned G.P.1 submits that the



departmental proceeding has already been concluded and the petitioner has been held guilty of the charges by the disciplinary authority i.e. D.I.G. (DN) C.I.D. and the punishment has been imposed vide order no. 400/2014 dated 10.02.2014, as contained in Annexure-A/5 to the counter affidavit. Petitioner has been inflicted punishment of compulsory retirement and the period of suspension has been directed to be adjusted against extra ordinary leave and it has further been directed that the nothing shall be paid to the petitioner except the payment of subsistence allowance made during suspension.

In view of the fact that the final order of punishment has been passed, the present writ application has become infructuous and accordingly, it is disposed of with liberty to the petitioner to seek remedy of appeal against the order of punishment. If such appeal is being filed, then the appellate authority may consider the condonation of delay, keeping in view of the fact that the writ application has been pending before this Court since 2014.

DKS/-

(Dinesh Kumar Singh, J)

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