

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.878 of 2014
IN
Civil Writ Jurisdiction Case No. 12545 of 2006**

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Sri Sita Ram Singh S/o Late Yamuna Singh, Resident of Village & P.O.: Manjhoul,
P.S.- Cheriya Bariyarpur, District- Begusarai

.... Appellant/s

Versus

1. The State of Bihar
2. The Commissioner-Cum-Secretary, Sahyog Samiti, Govt. of Bihar, New Secretariat, Patna
3. The Joint Secretary, Sahyog Samiti, Govt. of Bihar, New Secretariat, Patna
4. The Registrar, Sahyog Samiti, Govt. of Bihar, Patna
5. The Joint Registrar, Sahyog Samiti, Bhagalpur Commissionery, Bhagalpur
6. The Deputy Registrar, Sahyog Samiti, Bhagalpur cum Munger Commissionery, Combined Building, Bhagalpur
7. The Assistant Registrar, Sahyog Samiti Lakhisarai Block, Lakhisarai
8. The District Co-Operative Officer cum Drawing & Disbursing Officer Munger

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Niraj Kumar

For the Respondent/s : Mr. GA13- Namrata Mishra

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 21-03-2017

Heard learned counsel for the appellant and counsel
for the State.

The admitted position is that the appellant was
suspended for some serious charges, which were brought against
him relating to black-marketing of food grains and defalcation etc. on
19.12.1975. He remained in suspension and superannuated on
31.12.1991. Even a criminal case was filed against him. The criminal



case culminated into acquittal in the year 2000 and thereafter the appellant made representations, demanding his rightful dues and claims for the period of suspension.

From the counter affidavit and the materials, it is evident that after the suspension of the petitioner, who is the appellant here, he went missing from 1975 till he superannuated. He filed his first representation with regard to his absence of 16 years in the year 2003, i.e., three years after his acquittal, for payments of his post-retiral dues and pre-retiral claims.

The Learned Single Judge after considering the factual aspect of the matter, the conduct of the appellant that he did not report to the headquarter and he was not heard of at all for the period when he was put under suspension till he superannuated, refused to give any direction or interfere with the order, where it was held that the period of absence is to be covered by the principle of “no work no pay” not as break in service.

Since the petitioner was acquitted by the criminal court and was not proceeded against departmentally, he is lucky to have got the benefit of pension after his superannuation in the year 1991. He cannot be rewarded for not working and absconding and by not reporting to the headquarters.

Submission of the counsel that he was not relieved after the order of suspension is an outlandish kind of submission, because the suspended employee is not required to be relieved by



the authority. He is a free bird, but with the condition that he has to report at the headquarter and where departmental proceeding is required to be held.

The Court is not willing to interfere with the order, impugned, dated 03.04.2014, passed in the C. W. J. C. No. 12545 of 2006. In the factual matrix, the decision of the Learned Single Judge cannot be said to be erroneous in fact or in law.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
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