

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17102 of 2010

=====

Surendra Prasad, S/o Late Ram Keshav Singh, R/o Vill.- Mahangupur, P.O.-
Naubatpur, P.S.- Phulwarisharif, Distt.- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna
2. The Principal Secretary, General Administration Deptt., Govt. of Bihar, Patna
3. The Deputy Secretary to the Government General Administration Department,
Govt. of Bihar, Patna
4. Sri Anup Mukherji, S/o Not Known Chief Secretary, Govt. of Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Mr. Shiv Kumar, A.C. to G.A. 3

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 10-08-2017

Inter alia contending that in a departmental proceeding initiated against the petitioner after his retirement under Section 43(B) of the Bihar Pension Rules certain documents to explain the charges and effectively submit the explanation has not been supplied to him, this writ petition was filed in the year 2010 and on notice being issued respondents have filed a counter affidavit indicating from Paragraph 3 onwards up to Paragraph 8 the action taken for directing the petitioner to collect the documents from various authorities, the act on the part of the petitioner in not complying with the order and thereafter constitution of an inquiry to be conducted by the Inquiry Commissioner.



From the foresaid counter affidavit, it is clear that when the counter affidavit was filed on 4th of February, 2011 the matter was pending with the Inquiry Officer who has been appointed to cause an inquiry into the matter.

That being so, it is directed that in case the departmental inquiry is still pending in the matter, liberty shall be available to the petitioner to seek the documents from the Inquiry Officer and the Inquiry Officer shall proceed to decide the question of grant of documents in accordance to law and thereafter proceed with the inquiry, in case the same is still pending. However, in case the inquiry has been completed and the petitioner has been visited with any punishment, liberty shall be available to the petitioner to raise the grounds as are raised in this writ petition while challenging the final order.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	18.08.2017
Transmission Date	

