

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8611 of 2014

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Kanhaiya Jha Son of Late Kalanand Jha Resident of Village- Baghant, P.S-
Manigachi, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare Department, Secretariat, Patna.
2. The Director, Integrated Child Development Scheme (hereinafter referred to as ICDS for short), Indira Bhawan, Ram Charitra Singh Path, Boring Canal Road, Patna.
3. District Magistrate, Supaul.
4. District Programme Officer, ICDS, Supaul.
5. Child Development Project Officer, Kishanpur, Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Adv.
For the Respondent/s : Mr. SC15- A.P. SINGH

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT
Date: 06-09-2017

Heard Mr. Kishore Kumar Thakur learned counsel for the
petitioner and learned counsel for the State.

The petitioner by filing this writ petition prayed for
following relief:-

(i) to set aside the order dated 04.01.2013 issued under the
signature of respondent Director, I.C.D.S., Patna by which the
petitioner has been reverted to the Class-IV post (Peon), as a major
punishment pursuant to the departmental proceeding initiated against
him.

(ii) for a direction to the respondents to restore the position



of the petitioner as a Class-III employee taking into account the fact that punishment so awarded to the petitioner does not come within the purview of major punishment envisaged under Rule-14(vii) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 and further considering the fact that the appeal preferred by the petitioner against the order dated 04.01.2013, as contained in Memo no. 27 has not been finally disposed of by the appellate authority (Principal Secretary, Social Welfare Department, Secretariat, Patna).

Mr. Kishore Kumar Thakur learned counsel for the petitioner submits that during the pendency of this writ petition Kanhaiya Jha (petitioner) died and the appeal of the petitioner preferred before the Principal Secretary, Social Welfare Department, Patna has already been allowed.

Having considered the facts aforesaid and taking into consideration the fact that appeal preferred by the petitioner has already been allowed by which the order of punishment inflicted against the petitioner has been set aside, the writ petition has become infructuous. Accordingly, the same is disposed of as has become infructuous. If the legal heirs of the petitioner have not been paid the retiral benefits of the petitioner (deceased), the legal heirs may move this court again for payment of retiral benefits or against the order of



the appellate authority if they are at all aggrieved.

(Prabhat Kumar Jha, J)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2017
Transmission Date	NA

