IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3903 of 2017

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Shiva Narayan Jha son of Late Sunder Shyam Jha permanent resident of Village - Sukhsena, P.S. - Barhara, District - Purnea, at present residing in the house of Shri Sikandar Singh, Ex. M.L.A., Mohalla - Dharmganj, P.S. and District - Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Collector and District Magistrate, Kishanganj, District - Kishanganj.
4. The Sub-Divisional Officer, Kishanganj, Subdivision, District - Kishanganj.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Gyanand Roy
For the Respondent/s : Mr. Manish Kumar, Gp-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2018 The grievance of the petitioner is that the District Magistrate, Kishanganj by his letter dated 02.01.2017 is proceeding further in the matter by seeking approval from the Government regarding imposing punishment on the petitioner under Rule 43a and Rule 43Bb of the Bihar Pension Rules.

The learned counsel has referred to the enquiry report dated 02.01.2017 wherein the Enquiry Officer has recommended for Special Audit and only thereafter the extent of damage / loss can be assessed.

The learned counsel for the respondents, referring to the counter affidavit, has submitted that the fresh audit of Nazarat of Thakurganj Block for the period, the writ petitioner was In-Charge of the said Nazarat, has been directed to be made and for that purpose the District Magistrate, Kishanganj has also written several letters to the Principal Secretary of the concerned Department for deputation of special team but till date the special audit team has not been deputed.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct that a special audit team be deputed at the Nazarat of the Thakurganj and the requisite audit be undertaken so that the exact facts can be deciphered as far as the complicity of the petitioner or his innocence is concerned. It is further directed that till such special audit is conducted, no punishment shall be passed in pursuance to the on going proceeding under Rule 43a and 43b of the Bihar Pension Rules.

The writ petition is disposed of with the foresaid directions.

(Mohit Kumar Shah, J)

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