

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5403 of 2017

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Ram Bahadur Kunwar Son of Late Chandra Shekhar Kunwar, resident of Village Sinuar Gopal, P.O. Laheriasarai, P.S. Bahadurpur, District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms, Department, Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The Collector, Darbhanga.
5. The Circle Officer, Kusheshwar Sthan, Darbhanga.
6. The Circle Officer, Hayaghat, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate
For the State : Mr. Arun Kumar Bhagat, A.C. to A.A.G. 12

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-04-2018

Heard learned counsel for the petitioner and the State.

2. As of now, the petitioner is aggrieved by the substantive order passed against him in a departmental proceeding and further that his entitlement to a higher scale in terms of grant of A.C.P. has not been granted, which would directly affect his post retiral benefits as well as the benefit of 5th and 6th Pay Revision.

3. Learned counsel for the State submitted that in the present matter where only pensionary benefits has been claimed, the petitioner not having prayed for the aforesaid reliefs, the writ petition is practically infructuous.

4. Faced with the situation, learned counsel for the



petitioner submitted that the writ petition be disposed of with liberty to the petitioner to file a fresh writ petition with regard to the aforesaid reliefs.

5. Accordingly, the writ petition stands disposed off with liberty aforesaid.

6. The Court would clarify that as in terms of the punishment order, which the petitioner has been granted liberty to assail separately, if any recovery has been made, it goes without saying that the same shall also be governed by the outcome of challenge to the petitioner relating to such punishment order.

7. Further, it goes without saying that the disposal of the present case shall not prejudice the cause of the petitioner and as and when he approaches the appropriate forum for the reliefs mentioned above, the same shall be decided on merit, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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