

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7102 of 2017

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Surya Narayan Singh son of Late Nikhidi Singh resident of village-
Bhattadasi, P.S. - Raja Pakar, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Deputy Secretary, Department of General Administration, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha
For the Respondent/s : Mr. Md.Nadeem Seraj-Gp5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-04-2018 Shorn of the unnecessary details, admittedly, the order of punishment inflicting punishment of censure on the petitioner herein dated 18.11.2014 has been passed after superannuation of the petitioner on 30.09.2014.

The learned counsel for the petitioner, drawing the attention of this Court to the punishment order dated 18.11.2014, has submitted that no case of financial irregularity has been found to have been proved as against the petitioner and further, it has also not been found that the petitioner had worked in violation of any rules.

However, the learned counsel for the State submits that though, no allegation of financial irregularity has been



found to have been proved as against the petitioner but the working style of the petitioner has not been found to be satisfactory.

Having regard to the facts and circumstances of the case and in view of the fact that the learned counsel for the parties do not have any dispute / quarrel about the settled proposition of law to the effect that no order akin to the present impugned order dated 18.11.2014 could have been passed after the superannuation of the petitioner without converting the ongoing departmental proceeding under Rule 43b or Rule 139 of the Bihar Pension Rules, there is no doubt that the order of punishment dated 18.11.2014, is unsustainable in the eyes of law, hence, the same is quashed and set aside.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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