

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.77 of 2018

Arising out of

C.W.J.C. No. 14121 of 2010

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1. The State of Bihar through the Secretary, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
 2. The Engineer-in-Chief, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.

... .. Appellant/s

Versus

1. Lal Bahadur Singh, Aged about 63 years, Son of Late Ram Raksha Singh, Resident of Karma Road, Kanhaiya Complex, Police Station Aurangabad, District Aurangabad.
2. The Accountant General (A & E), Virchand Patel Path, Police Station Kotwali, District Patna.

... .. Respondent/s

Appearance :

For the Appellant/s :

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-02-2018

Having heard learned counsel for the parties, we find that the learned Writ Court has interfered into the matter for the simple reason that the misconduct in question took place between the year 1993 to 1996, the proceedings was initiated in the year 2005, it continued to be kept pending till 2009 and thereafter after retirement of the writ petitioner the matter was converted to one under Rule 43(b) of the Bihar Pension Rules and the impugned action taken.

Finding the departmental authorities to have



lingered on the matter right from the year 1993 to 1996 and took action after retirement of the writ petitioner in the year 2009, the learned Writ Court has interfered into the matter. Various reasons as indicated by the learned Writ Court in interfering into the matter, in our considered view, is reasonable, is not erroneous to such an extent that interference into the matter is called for.

Finding no ground, we dismiss the Letters Patent Appeal.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
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