

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1615 of 2011

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Raghubir Mochi, S/o Late Faudar Mochi, resident of Village & P.O. - Nabani, P.S Jhanjharpur, Distt. Madhubani. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna
3. The Additional Commissioner-cum-Secretary, H.R.D. Govt. of Bihar, Patna
4. The Deputy Secretary, Human Resources Development Department, Govt. of Bihar, Patna
5. The Director, Higher Education, Human Resources Development Department, Govt. of Bihar
6. The Deputy Director, Higher Education, Human Resources Development Department, Govt. of Bihar, Patna
7. The Chairman, Maithili Academy 740/800, Lal Bahadur Shastri Nagar, Patna - 800023
8. The Director-cum-Secretary, Maithil Academy, 740/800, Lal Bahadur Shastri Nagar, Patna-800023.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Birendra Kumar Jha, Advocate.

For the Respondent/s : Dr. Priya Gupta, AC to GA 7.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 16-01-2018

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner has moved this Court for setting aside the order as contained in Memo No. 322 dated 22.10.2010 passed by the Director (Higher Education) as contained in Annexure-20 to the Writ Application.

By the impugned order, the Disciplinary Authority having



found that the charges against the petitioner were proved in the enquiry imposed a punishment whereunder one annual increment of the petitioner was stopped and it was directed that the petitioner shall not be given any serious responsibility. It was also directed that this should be entered in his Service Book.

At the outset, learned counsel for the petitioner submits that the petitioner has already retired from service, however, he has no instruction as to whether or not the one annual increment which was stopped by the impugned order has been paid to the petitioner on expiry of the period.

In the opinion of this Court, this application has become infructuous. The order of punishment does not talk of stoppage of one annual increment with cumulative effect; it was a simple order of stoppage of one annual increment which means that the annual increment which was stopped will be payable to the petitioner with the next annual increment which will become due.

Learned counsel for the State is present.

In view of the fact that the petitioner has already retired from service, nothing remains for adjudication in the present Writ Application.

If the petitioner finds that this punishment has ultimately affected in the matter of fixation of his retirement benefits, he will



have liberty to file a fresh application.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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