

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1181 of 2016

In
Civil Writ Jurisdiction Case No.13705 of 2006

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1. The State Of Bihar, through the Chief Secretary, Government of Bihar, Patna
 2. The Secretary, Water Resources Development Department, Government of Bihar, Sinchai Bhawan, Patna
 3. The Deputy Secretary, Minor Irrigation Department, Government of Bihar, Sinchai Bhawan, Patna
 4. The Joint Secretary, Minor Irrigation Department, Government of Bihar, Sinchai Bhawan, Patna
 5. The Chief Engineer, Minor Irrigation Department, Muzaffarpur
 6. The Superintending Engineer, Minor Irrigation Circle, Muzaffarpur
 7. The Executive Engineer, Minor Irrigation Division, Hajipur

... .. Appellant/s

Versus

Bishwanath Dubey Son of Late Rameshwar Dubey, resident of village and P.S.- Jogbani, District- Araria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ranjan Kumar Singh AC to PAAG-2 Mr. Abhinay Raj
For the Respondent/s	:	Mr. Prabhu Nath Pathak Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

4 30-01-2018 Heard learned counsel for the State as well as the private-respondent.

We are not inclined to interfere with the order, dated 13.01.2016, passed by the Learned Single Judge, keeping in mind the infirmities, which have been taken note of, especially in paragraphs 10 and 11 of the impugned order.



The State Government has been given leeway to proceed against the delinquent afresh. There is no reason why the State will not take advantage of such a direction and observation and continue with the enquiry in a proper fashion, even if the private-respondent has superannuated. We, however, further clarify that no order is required to be passed under Rule 73 of The Bihar Service Code, 1952. In fact, continuance of the enquiry after superannuation of the private-respondent will be treated as a continuance of the enquiry in terms of the judicial direction, if not, Rule 43 (b) of the Bihar Pension Rules.

The respondent-authorities will be well advised to expedite the departmental proceeding and conclude it within a reasonable time-frame. The private-respondent would be well advised to cooperate.

Appeal stands dismissed, otherwise.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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