

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.116 of 2018

In
Civil Writ Jurisdiction Case No.323 of 2018

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Praduman Tiwari, son of Shri Kedar Nath Tiwari, Resident of Dampur, P.S. -
Samastipur, Muffasil, District - Samastipur, Presently posted as Police Sub-
Inspector in the Cabinet (Vigilance) Department, Patna.

... .. Appellant/Petitioner

Versus

1. The State of Bihar.
 2. The Commissioner-cum-Secretary, Department of Home, Govt. of Bihar,
Patna.
 3. The Director General of Police, Bihar, Patna.
 4. The Inspector General of Police, Bihar, Patna.
 5. The Director General, Cabinet Vigilance Department, Govt. of Bihar, Patna.
 6. The Commissioner, Cabinet Vigilance Department, Govt. of Bihar, Patna.
 7. The Deputy Inspector General of Police (Personnel) in the Office of Director
General, Bihar, Patna.
 8. The Deputy Inspector General of Police Cabinet Vigilance Department, Govt.
of Bihar, Patna.
 9. The Superintendent of Police, Cabinet Vigilance Department, Govt. of Bihar,
Patna.
- Respondents/Opposite Parties.

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the Respondent/s	:	Mr. Prabhat Kumar Verma , AAG- 3
	:	Mr. Dr. Mankeshwar Singh, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

- 3 06-10-2018 1. Present application has been preferred by the original
petitioner- original appellant to review and recall the order dated
28.03.2018 passed in Letters Patent Appeal No. 323 of 2018.



2. We have heard learned counsel appearing on behalf of the respective parties at length.

2.1 At the out set, it is required to be noted that what was challenged before the learned Single Judge was the order of transfer dated 06.12.2013. The writ petition came to be dismissed as having infructuous by observing that the original writ petitioner has resumed the duty at transferred place and the writ petitioner is going to retire in the month of April, 2018. The said order has been confirmed by the Division Bench by the impugned order.

3. It is the case on behalf of the applicant that as such, the day on which the learned Single Judge had passed the order, the petitioner had not attained the age of superannuation and, therefore, the petition ought to have been heard on merits. It is also the case on behalf of the applicant that even the original writ petitioner also did not resume the duty at the transferred place.

4. However, considering the fact that now the applicant has already retired on attaining the age of superannuation as far as back in the month of April, 2018, even otherwise, now the challenge to the original order of transfer has become infructuous.



5. Under the circumstances, on the aforesaid ground
alone, the present application stands disposed of.

(Mukesh R. Shah, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-s.shukla

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