

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.274 of 2018
In
Civil Writ Jurisdiction Case No.8002 of 2016

1. The State Of Bihar
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Commissioner-Cum-Special Secretary, Rural Works Department, Govt. of Bihar, Patna.
4. The Special Secretary, Rural Works Department, Govt. of Bihar, Patna

... .. Appellant/s

Versus

Girish Prasad Sah, Son of Balmiki Prasad Sah, Resident of Village and P.O.-Goraiya Bathan, P.S.- Gogaree, District-Khagaria.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay, G.A.-5
For the Respondent/s	:	Mr. Prashant Sinha, Advocate
		Mr. Bava Jha, Advocate
		Mr. Rohan Verma, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-12-2018

Re.: I.A. No. 1554 of 2018

Heard Shri Ajay, learned counsel for the appellants and Shri Prashant Sinha, learned counsel for the respondent-petitioner.

The appeal is reported to be delayed by 131 days.

We have considered the affidavit filed in support of the delay condonation application and we find that



sufficient cause has been shown to condone the delay in filing the appeal. The delay is condoned and the appeal shall be treated to be within time.

I.A. No. 1554 of 2018 stands allowed accordingly.

Re.: L.P.A. 274 of 2018

Heard Shri Ajay, learned counsel for the State of Bihar and Shri Prashant Sinha, learned counsel for the respondent-petitioner.

This appeal questions the correctness of the impugned judgement dated 13.09.2017 passed in C.W.J.C. No.8002 of 2016, whereby the disciplinary authorities have been directed to proceed afresh in the matter of enquiry against the respondent-petitioner.

Learned counsel for the State of Bihar at the very outset has urged that the appellants only want a modification of the order of reinstatement together with all consequential benefits and to that extent, the impugned judgement may be modified inasmuch as the respondent-petitioner was facing a disciplinary enquiry arising out of a vigilance case relating to the respondent-petitioner having accepted a bribe.



During the course of arguments, Shri Prashant Sinha, learned counsel for the respondent-petitioner has invited the attention of the Court to the order dated 14th of March, 2018 passed by the learned single Judge in M.J.C. No. 3349 of 2017 arising out of the same judgement impugned herein. The order dated 14th of March, 2018 is extracted hereinunder:-

“Learned counsel for the parties are present.

The petitioner has been reinstated. However, the complaint is that the consequential reliefs have not been given and according to Mr. Prashant Sinha, learned counsel appearing for the petitioner, it includes the back wages.

In my opinion, the claim raised cannot be upheld because in absence of any specific direction for payment of back wages in the judgment and order allowing the writ petition, no contempt is made out.

This contempt application is disposed of accordingly.”

In the above background, we see no reason to now proceed to consider the request on behalf of the appellant, but it has been informed that the fresh enquiry has been commenced and consequently, we dispose of this appeal with a direction that



the same may be concluded expeditiously, preferably within a period of three months and the respondent-petitioner shall co-operate in the same.

The appeal stands dispose of.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.N.M./ Saif/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.12.2018
Transmission Date	NA

