

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1523 of 2017

In
Civil Writ Jurisdiction Case No.17393 of 2016

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1. The State of Bihar.
 2. The Principal Secretary, General Administration Department,
Government of Bihar, Patna.
 3. The Under Secretary, General Administration Department,
Government of Bihar, Patna.

... .. Appellant/s

Versus

1. Mohammad Daud, Son of Mohammad Moosa, resident of Farhan Enclave, C-1, 201, Samanpura, Police Station- Shashtri Nagar, District- Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Director in Chief, Health Services, Bihar, Patna.

... Petitioner- Respondent 1st Set.

... .. Respondent/ Respondent 2nd Set.

Appearance :

For the Appellant/s : Mr. Upendra Kumar Singh (Ac To Ga 8)
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-07-2018

Having heard learned counsel for the State and on going through the order passed by the learned Writ Court, we find that no error has been committed by the learned writ Court in interfering into the matter. Once the punishment was imposed upon the respondent-writ petitioner merely because after retirement of the respondent-writ petitioner, the punishment imposed could not be implemented that does not permit the State Government by issuing a show cause to convert the entire disciplinary proceedings into one under the Bihar Pension Rules. The provision of Bihar



Pension Rules will come into play only after the disciplinary proceedings initiated while in service could not be completed or converted after issuance of charge sheet when he was in service. In this case, the entire allegation into the charge-sheet was enquired into. The departmental proceedings culminated into the punishment order passed much before the retirement and merely because after retirement of the respondent-writ petitioner, the punishment imposed could not be implemented that does not permit the State Government by issuing a show cause to convert the entire disciplinary proceedings into one under the provision of the Bihar Pension Rules. In our considered view, the same was not permissible and, therefore, in interfering with the matter, the learned Writ Court has not committed any error. The appeal is dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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