

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11488 of 2018

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Awdhesh Kumar Tewari, S/o Late Gauri Shankar Tiwary, R/o Village-
Allapur, P.S. Manjhagarh, District- Gopalganj, retired Executive Engineer,
Building Department, Govt. of Bihar, Patna

... .. Petitioner

Versus

1. The State of Bihar
2. The Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Secretary, Road Construction Department, Bihar, Patna.
4. The Joint Secretary, Building Construction Department, Bihar, Patna.
5. The Engineer-in-Chief, Building Construction Department, Govt. of Bihar,
Patna.
6. The Chief Engineer (Design), Building Construction Department, Govt. of
Bihar, Visheshwaraiya Bhawan, Bailey Road, Patna.
7. The Accountant General, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
For the Respondent/s	:	Mr. Ravi Bhardwaj, A.C. to GA-13
For Accountant General	:	Mr. Vivekanand Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 03-10-2018 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Accountant
General.

In the present case, the petitioner is claiming the
benefit of 3rd M.A.C.P, which has not been extended to the
petitioner on the ground that a departmental proceeding has
been initiated against him.

The claim has been made by the petitioner that junior
to him having been granted the benefit of 3rd M.A.C.P., but in
the name of pendency of departmental proceeding he has been



denied the said benefit though earlier the Inquiry Officer has found that the charges were not proved against the petitioner, but in order to satisfying the ego *de novo* inquiry has been started under Rule-18 of the Government Servant (Classification, Control and Appeal) Rules, 2005.

This Court is not examining the efficacy of the second inquiry as the petitioner has not challenged the order, but has made a prayer to conclude the inquiry without unnecessary delay because the petitioner has already superannuated from the service.

In such view of the matter, this Court directs the respondents especially the Inquiry Officer to conclude the inquiry within a period of four months from the date of receipt/production of a copy of this order, but it will be subject to the condition that the petitioner should extend co-operation for early conclusion of the inquiry.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

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