

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2609 of 2019

Heramb Nath Deva, S/o Late Harindra Nath Deva, Resident of Mohalla-
Thakurbari, Pancmandir Road, P.S.- Motihari Town, District- East Champaran
(Motihari)

... .. Petitioner/s

Versus

1. The Union of India, through Secretary, Government of India, Ministry of Home Affairs, North Block, New Delhi.
2. The Chief Secretary, Bihar, Patna.
3. The Principal Secretary Home Department, Government of Bihar, Main Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar Karan, Advocate
For the Union of India	:	Mr. Satyavart Verma, CGS
For the State of Bihar	:	Mr. Saroj Kumar Sharma, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-02-2019

Heard learned counsel for the petitioner.

The challenge is to the order of the Central Administrative Tribunal, Patna Bench, Patna dated 20th November, 2015 in O.A. No.050/00129/2014, which itself has been observed to be barred by limitation. This writ petition has also been filed after a lapse of almost three years contending that the relief prayed for, deserves to be granted, inasmuch as, the disciplinary proceedings were set aside and as a matter of fact, whatever was pending did not culminate into any passing of punishment order.



In the said background, in essence, the prayer is that the service benefits to the petitioner, particularly with regard to grant of selection grade as well as the promotional avenues, should not be denied.

We have considered the submissions raised and apart from the matter being full of laches, we further find that the observation made by the Tribunal about the unethical act not excepted from an officer of the rank of the petitioner cannot be ignored.

However, in view of the entire episode, the Tribunal has observed that it would be open to the petitioner to make a representation in relation to regularization of his pension. We do not find any reason to interfere with the impugned order subject to the observations made therein.

The petition is, accordingly, consigned to records.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2019
Transmission Date	

