

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2763 of 2019

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Anandi Roy son of Late Sukhal Rai resident of Village Harinarayanpur, P.O.-
Mehasi, P.S. Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, New Secretariat, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. The District Education Officer, East Champaran.
5. The Accountant General, Bihar, Birchand Patel Marg, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh
For the Respondent/s : Mr.Madhaw Prasad Yadav (Gp23)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 13-08-2019 Petitioner has earlier approached this Court in

C.W.J.C. No. 10082 of 2012. A bench of this Court vide order
dated 19.6.2012 noticed inordinate delay in conduct of
departmental proceeding in the said case and directed the
respondents to conclude the proceeding within a period of six
months. The Court also indicated the consequence of non
conclusion of the departmental proceeding within six months.

The relevant part of the order dated 19.6.2012 is
quoted below:-

**“If the respondents do not conclude the
proceeding within a period of six months for
reasons not attributed to the petitioner considering**



that the proceedings have remained pending since 2005 when the petitioner had filed his reply to the memo of charge as far as 2007, the respondents shall be precluded from proceeding in the matter after expiry of six months and the departmental proceedings in that event shall stand foreclosed.”

The order dated 19.6.2012 has attained finality as the respondents have not filed any review against the order dated 19.6.2012 or preferred any appeal.

The direction as to the conclusion of the departmental proceeding and its foreclosure in event of non conclusion after expiry of six months has attained finality and binding between the parties.

The petitioner superannuated and after superannuation the respondents have decided to inflict punishment. On 27.8.2015 i.e. much after expiry of six months from 19.6.2012 the order of the writ Court in C.W.J.C. No. 10082 of 2012 dated 19.6.2012 has become final and the consequence of non conclusion of departmental proceeding indicated in the order dated 19.06.2012 is automatic the proceeding after six months i.e. after 18.12.2012 became nullity and as such the order inflicting punishment of stoppage of 5 per cent of pension is totally without jurisdiction and is accordingly declared as unsustainable. Accordingly, the order contained in Annexure-5



is quashed. The respondents are hereby directed to restore the full pension of the petitioner as the respondents cannot be allowed to take any decision in teeth of the direction issued by this Court as the decision is nullity in the eye of law.

Accordingly, writ petition is allowed in the manner indicated hereinabove.

The respondents are directed to ensure restoration of full pension and pensionary benefit to the petitioner.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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