

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.81 of 2019

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Binod Kumar Son of Sri ram Sagar Sharma near Ayurvedic College,
Dandibagh,, P.O.-Chand Cheura Police Station-Civil Line, District-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Agriculture, Bihar, Patna
2. The Director, Department of Agriculture, New Secretariat, Bihar, Patna
3. The Joint Director, Agriculture Magadh Division, gaya.
4. The District Magistrate, Gaya.
5. The District Agriculture Officer, Gaya.
6. The Block development Officer, Block Gurua, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Sahi, Advocate
		Mr. Binod Kumar, Advocate
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP26

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 25-07-2019 Heard the parties.

The petitioner is a retired Grade IV employee from the Collectorate, Gaya. He has superannuated on 31.12.2017. The petitioner was for some time made to discharge the function of Nazir. Some issue arose after his retirement regarding some bill of contracts and amounts thereunder. The Block Development Officer, Gurua, Gaya, on account of such issue called upon the petitioner to appear before a committee for examining the issue. Petitioner has also been directed to bring along his successor Nazir, namely, Ranveer Paswan. Counsel for



the petitioner submits that the Block Development Officer was not his appointing authority. He was incompetent to issue any direction calling upon him to appear before the committee. He also submits that the master-servant relationship having snapped between the petitioner and the Government, the authorities could not have issued such a letter calling upon the petitioner to participate in such proceeding conducted by the committee. The respondents ceased to have any departmental proceeding over the petitioner.

State counsel submits that the issues being inquired by the committee were in relation to huge amount of more than Rs. 20 Lakhs, charge of which has not been handed over. He submits that the petitioner, as per response dated 13.04.2018 (Annexure C-9) has aggrieved to participate in the proceedings of the committee.

The petitioner has approached this Court raising a legal issue and submits that he cannot be compelled to appear before the committee on account of severance of master-servant relationship by virtue of his superannuation on 31.12.2017. The fact of superannuation is admitted. The submission of the petitioner is correct to the extent that respondents ceased to have disciplinary control over the petitioner, contemplated under the



Disciplinary Rules. The respondents in respect of the amounts are at liberty to invoke any other procedure against the petitioner. However, by virtue of communication dated 28.04.2018, they cannot now compel the petitioner to participate in the proceeding of some committee constituted for the purpose. The said notice has no semblance of illegality is not issued under any provision which enables the authorities to call upon such a superannuated person as the petitioner. The order dated 28.04.2018 is therefore quashed. The respondents would be at liberty to take recourse to proceedings in accordance with law.

The writ application is allowed.

(Madhuresh Prasad, J)

A.K.V./
S. Katyayan/-

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