

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2114 of 2005

Janardan Prasad, S/o Late Ram Govind Prasad, Resident of Village –
Bhadwar, PS – Bagengolla, District – Buxar, Retired Sub Inspector of Excise,
Excise Department, Bihar

... .. Petitioner/s

Versus

- 1 The State of Bihar
- 2 The Excise Commissioner, Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : M/s Dhananjay Kr, Avinash, Advocates
For the Respondent/s : Mr H S Roy, AC to AG

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

9 **12-07-2019** Heard learned counsel for the petitioner and the
respondent-State.

The order of punishment dated 06.09.2005 issued by
the Commissioner (Excise) -cum- Secretary is the issue raised
by the learned counsel for the petitioner in the instant
proceedings. He submits that for the period of suspension,
petitioner has been allowed nothing other than subsistence
allowance. Referring to the order dated 16.11.2005 passed in
the criminal trial arising out of Sadar Police Station Case 124 of
2000 in GR No 638 of 2000/Tr No 137 of 2005 by the Judicial
Magistrate, 01st Class, Hazaribagh, petitioner's counsel submits
that he would be approaching the Appellate Authority for
reconsidering the punishment on account of his acquittal in the



criminal trial for the same charges.

Issue, therefore, has to be considered by the Appellate Authority. Pendency of the instant proceedings would, thus, be futile.

Writ petition is disposed of with liberty to the petitioner to avail of the consideration before the Appellate Authority, as submitted by the petitioner's counsel.

(Madhuresh Prasad, J)

M.E.H./-

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