

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5479 of 2015

=====

Surya Narayan Singh son of Late Nikhidi Singh resident of Village-
Bhattadasi , Police Station - Raja Pakar, District- Vaishali, posted as retired
Additional District Magistrate, Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, General Administration Department , Government of Bihar , Patna.
3. The Accountant General , Bihar, Patna.
4. The Treasury Officer, Lakhisarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Anand Kumar Ojha, Advocate
For the State	:	Mr. Alok Kumar Rahi, AC to GP 21
For the AG	:	Mr.Namrata Mishra, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 29-01-2019

Heard counsel for the petitioner and the respondents.

2. Being aggrieved by recovery of 1.25 lacs from the petitioner on the ground that he has not concluded the proceedings dealing with a custodial death with due diligence the petitioner had approached this Court seeking review of CWJC No. 6102 of 2006. This Court dismissed the petitioner's review application under order dated 07.08.2013 passed in Civil Review No. 160 of 2013. While dismissing the petitioner's review application the Court recorded that since the recovery is being made without subjecting the petitioner to any proceedings, aspect of the matter has to be agitated before the Enquiry Officer or before the Disciplinary Authority.



3. Counsel appearing for the petitioner submits that the government was the Disciplinary Authority in respect of the petitioner. Availing of the liberty granted by this Court in the Civil Review proceedings he has approached the Principal Secretary, General Administrative Department on 28.10.2013. The application is Annexure 7. The petitioner has dealt with in detail the issues and the various procedural lapses including demand of certain documents and it is submitted that only after a proceeding constituted in accordance with law the action should have been taken against the petitioner. Even though the liberty granted under the order dated 07.08.2013 arising out of Civil Review No. 160 of 2013 has been availed, the respondent authorities have not disposed off the petitioner's application.

4. The counter affidavit which has been filed also does not dispute filing of the said application before the Principal Secretary but only submits that the fact is a matter of record.

5. Since the application has been filed in view of the liberty granted to the petitioner, it was incumbent upon the respondent no. 2 to dispose off the same. The writ petition therefore, need not be kept pending as the entire issue on the basis of the detail fact mentioned in the petitioner's application dated 28.10.2013 is yet to be examined and considered by a



detailed and reasoned order by the respondent no. 2 himself.

6. The writ petition therefore, is disposed off.

7. This Court would observe that the since the petitioner's application has been pending for more than five years the respondent no. 2 should dispose off the same by a reasoned and speaking order in accordance with law expeditiously and preferably within a period of eight weeks from the date of receipt/production of a copy of this order. The petitioner's entitlement to refund of the amounts recovered shall be subject to decision of the respondent no. 2 on the representation dated 28.10.2013 submitted by the petitioner.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

