

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3093 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 20116 of 2013

=====

Brij Kumar Pandey Son of late Jagarnath Pandey, Resident of Village and Post Office- Raghunathpur, Police Station and Block- Brahampur, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sri Arvind Kumar Verma, the District Magistrate, Buxar.
3. Sri Mobin Ali Ansari, the Deputy Development Commissioner, Buxar.
4. Sri Anuj Kumar, the District Panchayat Officer, Buxar.
5. Sri Shashikant Paswan, the District Accounts Officer, Buxar.
6. Sri Pramod Kumar, the Block Development Officer, Dumraon, District- Buxar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Roy, Advocate
For the State	:	Mr. Pushkar Narayan Shahi, AAG 6
		Mr. Mritunjay Kumar, AC to AAG 6

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 13-09-2019

Heard learned counsel for the petitioner and learned
AAG 6 for the State.

2. Pursuant to order dated 21.08.2019, the District Magistrate, Buxar is present in Court and has also filed his show cause. The reason why he was required to appear has been recorded in order dated 21.08.2019.



3. At the very outset, the officer tendered his unconditional and unqualified apology for not having complied with the order dated 17.07.2019 passed in the present proceeding.

4. On merits, learned counsel for the State submitted that the petitioner has been granted terminal benefits, including arrears of salary, if any, as well as 1st ACP, which shall be paid within six weeks from today. With regard to consideration of 2nd ACP, the stand is that prior to the date of such consideration since the departmental proceeding was initiated but no final order was passed and in the meantime the petitioner has superannuated, such proceeding shall also be taken to its logical conclusion within the same period.

5. Having regard to the stand taken today, the Court is inclined to accept the apology.

6. Accordingly, the application stands disposed off with the observation that the authorities shall ensure that payment of retiral dues, including benefit of 1st ACP and arrears of salary, to the extent found admissible and admitted, shall be paid to the petitioner within six weeks from today.

7. It goes without saying that against the order which may be passed in the departmental proceeding against the



petitioner, he shall be at liberty to move before the appropriate
forum, in accordance with law.

8. Personal appearance of the officer stands dispensed
with.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

