IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 17137 of 2014

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Ramdeo Yadav, S/o Lakhan Yadav, R/o Village - Premjiwar, P.S. - Bahadurpur, District - Darbhanga

... ... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
3. The Deputy Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
4. Bihar State Food and Civil Supplies Corporation Limited, through its Managing Director, Son Bhawan, Bir Chand Patel Path, Patna
5. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Bir Chand Patel Path, Patna
6. The Collector, Darbhanga
7. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Laheriasarai, Darbhanga
8. The Sub Divisional Officer, Benipur, Darbhanga
9. The Special Executive Officer cum Deputy Chief (Legal) cum Inquiry Officer of Departmental Proceeding, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Bir Chand Patel Path, Patna
10. The Deputy Chief Administration, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Bir Chand Patel Path, Patna
11. The Block Supply Officer, Benipur, Darbhanga

... ... Respondent/s

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Appearance :
For the Petitioner/s : M/s Sanchay Srivastava, Sourav Suman, Vivek Kumar Verma, Advocates
For the S t a t e : Mr Chittranjan Sinha, PAAG II
Ms Ratna Kumari, AC to PAAG II
For the B S F C : Mr Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 **06-08-2019** Heard learned counsel for the petitioner and the respondent-State.

Learned counsel for the petitioner submits that in

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respect of the same charges and on basis of some set of evidence, the petitioner was proceeded against under the criminal laws. The petitioner has been acquitted of the criminal charges arising out of the same set of charges in view of the decision dated 31.08.2018 passed by the Court of Additional Chief Judicial Magistrate, Benipur, Darbhanga in GR Case No 5 of 2012.

Placing reliance on the decision of the Apex Court in the case of Capt M Paul Anthony -Versus- Bharat Gold Mines Ltd & Another, (1999) 3 Supreme Court Cases 679, he submits that he would approach the Disciplinary Authority for reconsidering the punishment having regard to his acquittal arising out of same charges for which he has been departmentally punished under order dated 17.07.2014.

In view of the said submission and since the issue has now to be considered by the Disciplinary Authority, namely, the Managing Director (respondent No 5), keeping the instant proceeding pending would serve no useful purpose.

Writ petition is disposed of with a direction to respondent No 5 to reconsider the punishment awarded to the petitioner having regard to the law laid down by the Apex Court taken note of herein above.

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Petitioner should place on record before the Disciplinary Authority the said judgment along with a representation so as to facilitate consideration of his case having regard to the facts obtaining in the proceedings.

If the representation is filed within four weeks, Disciplinary Authority would be obliged to consider the case and dispose it of by a reasoned and speaking order in accordance with law within a period of eight weeks thereafter.

(Madhuresh Prasad, J)

M.E.H./-

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