

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.235 of 2018

In

Civil Writ Jurisdiction Case No.11254 of 2017

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1. The Bihar State Ware Housing Corporation Bihar, Patna, 2/B- 1st Floor, Maurya Lok Complex, Patna through its Managing Director, Bihar State Ware Housing Corporation, 2/B, 1st Floor, Maurya Lok Complex, Patna.
 2. The Chairman, Bihar State Ware Housing Corporation, 2/B, 1st Floor, Maurya Lok Complex, Patna.
 3. The Managing Director, Bihar State Ware Housing Corporation, 2/B, 1st Floor, Maurya Lok Complex, Patna.
 4. The Divisional Manager, Bihar State Ware Housing Corporation, 2/B, 1st Floor, Maurya Lok Complex, Patna.
 5. The Secretary, Bihar State Ware Housing Corporation, 2/B, Maurya Lok Complex, Patna.
 6. The Accounts Officer, Bihar State Ware Housing Corporation, 2/B, 1st Floor, Maurya Lok Complex, Patna.

... .. Appellant/s

Versus

1. Awadhesh Singh Son of Late Ram Chandra Singh, resident of Village-Lahsura, P.S.- Masaurhi, District- Patna.
2. The State of Bihar, through the Principal Secretary, Department of Co-operative, Govt. of Bihar, New Secretariat, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mithilesh Kumar Rai, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-07-2019

Heard learned counsel for the appellant.

The contention raised is that keeping in view the huge nature of defalcation as alleged, the respondent-petitioner deserved to be proceeded against.



Learned counsel for the appellant has been unable to show us any provision under which an employee of the Corporation can be proceeded with after his superannuation. There is no dispute that respondent-petitioner had already superannuated. It is in these circumstances that the proceedings were challenged by him and the learned Single Judge has allowed the writ petition.

The learned Single Judge has also referred to the Full Bench decision in the case of **Shambhu Saran Vs. The State of Bihar** reported in **2000 (1) P.L.J.R. 665**.

We see no legal infirmity in the impugned judgment.

The appeal, therefore, lacks merit and is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/-

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