

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19728 of 2019

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Arbind Kumar Khan Son of late Fani Bhushan Khan, Village and P.S.-
Bangaon, District- Saharsa, State-Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar.
2. Principal Secretary, Department of Prohibition, Excise and Registration,
Bihar, Patna.
3. Special Secretary, Department of Prohibition, Excise and Registration,
Bihar, Patna.
4. Additional Secretary, Department of Prohibition, Excise and Registration,
Bihar, Patna.
5. Inspector General, (Registration) Department of Prohibition, Excise, Bihar,
Patna.
6. Deputy Secretary, Department of Prohibition, Excise and Registration,
Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajni Kant Jha
For the Respondent/s	:	Mr.Lalit Kishore (AG)
		Ms. Prachi Pallavi, AC to learned AG

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-11-2019 Heard learned counsel for the parties.

2. The petitioner is claiming promotion to the post of District Sub-Registrar and Assistant Inspector General of Registration. He has been denied the benefits of such promotion because of the disciplinary action taken against him with imposition of punishment in two separate departmental proceedings *vide* orders dated 11.08.2010 and 22.01.2013. It is the case of the petitioner that the said punishment orders have



been interfered with by this Court by order dated 22.11.2017 passed in CWJC No. 13112 of 2012 and 13.12.2018 passed in CWJC No. 17115 of 2014.

3. Learned counsel appearing on behalf of the petitioner, relying on the said two decisions of the Court as noted above, contends that as on today, there exists no reason to deny the benefit of petitioner to higher ranks.

4. Learned counsel appearing on behalf of the respondents State of Bihar, on the other hand, has submitted that though this Court has interfered with the disciplinary action of imposition of punishment by order dated 22.01.2013, it can be easily seen from this Court's order dated 13.12.2018 that such interference is based on technical grounds without going into the merits of the case. The disciplinary authority has been given the liberty to take a decision in the light of the order of this Court dated 13.12.2018.

5. Learned counsel appearing on behalf of the petitioner, in reply has submitted that no decision has been taken so far though the petitioner did submit his reply in compliance of this Court's order within the stipulated time. He has also submitted that the petitioner is going to attain the age of superannuation within two months, in January, 2020.



6. In the facts and circumstances of the case, this writ application is disposed of with a direction to the respondents to reconsider the petitioner's case for promotion in the background of the fact that as on date, the orders of punishment against the petitioner are non-existent, the same having been set aside.

7. It goes without saying that it will be open for the competent authority to pass appropriate orders in the departmental proceeding, in the light of observation made by this Court in the orders as noted above. The decision on the point of petitioner's claim for grant of promotion must be taken within two months from the date of receipt/production of a copy of this order.

8. This disposes of the application.

(Chakradhari Sharan Singh, J)

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