

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12603 of 2021

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Raju Prasad son of Late Ram Chandra Prasad, resident of Mohallah - Ram Sahay lane, Mahendru, P.S. - Sultanganj, Town and District- Patna - 800006.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Secretary (Resources), Finance Department, Government of Bihar, Patna.
4. The District Magistrate, Patna.
5. The Deputy Collector (Establishment), Patna.
6. The Treasury Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lal Mani Sharma
	:	Mr. Panchu Ram
For the Respondent/s	:	Mr. Ajay Kr. Rastogi (Aag10)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 14-02-2022

I.A. No. 1 of 2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

- (i) For issuance of an appropriate writ for quashing of the order contained in Memo No. 1501 dated 22-06-2021(Anx. 9) issued under the signature of the District Magistrate, Patna, the respondent no. 3 by which the petitioner has been transferred from the office of



Treasury, Patna and has been posted in the Block Office, Ghoswari, Patna in the cadre of the clerk of the Collectorate.

(ii) For issuance of an appropriate writ for quashing of the order contained in Memo No. 1592 dated 29-6-2021 (Anx. 13) by which, in the light of the direction of the District Magistrate, Patna, the Deputy Collector (Establishment), Patna has directed the petitioner to join in the transferred office immediately.

(iii) For issuance of an appropriate writ, order or direction directing and commanding the respondents to give the petitioner all consequential benefits including to allow the petitioner to remain posted/working in the office of the Treasury, Patna after quashing of the aforesaid order contained in Memo Nos. 1501 dated 22-6-2021 (Annex-9) and Memo no. 1592 dated 29-6-2021 (Annex 13)

(iv) For issuance of appropriate writ directing and commanding the respondents not to take any coercive action against the petitioner.

(v) For any other relief/reliefs of which the petitioner is legally entitled to.

3. In I.A. No. 1 of 2022, petitioner has questioned the initiation of enquiry. Insofar as main petition is concerned, matter is squarely covered by earlier decision of this Court rendered in C.W.J.C. No. 16037 of 2021.

4. Accordingly, main petition stands allowed while setting aside order dated 22.06.2021, Memo no. 1501 *vide* Annexure 9 to this petition.

5. However, I.A. No. 1 of 2022 in challenging the charge memo is concerned, petitioner is permitted to file independent petition. The charge memo cannot be mix up with the transfer matter.



Accordingly, I.A. stands rejected.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	23.02.2022
Transmission Date	

