

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9999 of 2020

Abhiram Trivedi Son of Sri Ram Balak Trivedi Resident of Pathakpuri,
Bibiganj, Ward No.7, P.O.- Bhagwanpur, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, General Administration Department, Govt. of Bihar, New Secretariat, Patna.
3. The Additional Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Deputy Secretary, General Administration Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC 8

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 15-02-2022

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

Learned State Counsel accepts notice for respondents.

Learned counsel for the petitioner is hereby directed to serve a copy of the petition if it has not already served.

In the instant petition, petitioner has prayed for the following reliefs:-

“For issuance of an appropriate writ/writs, order/orders, direction/direction to disciplinary authority for final conclusion/logical end of departmental proceeding as directed by Hon’ble High Court in C.W.J.C. No. 7549 of 2015 on 09.09.2016 upon enquiry report



exonerating him from the charges and consequently the further prayer regarding the promotion against next higher Post/Grade upon which his juniors in seniority list are functioning to maintain equity and provide equal treatments as per entitlement and for the other necessary relief/relief's as on the basis of the basis of the facts and circumstances of the case as discussed, enumerated and stated hereinafter."

In support of the aforesaid relief petitioner has submitted representation dated 25.11.2020 (Annexure-5) and it is pending consideration.

Petitioner was subjected to parallel proceedings. Disciplinary proceedings has not attained at finality. Insofar as criminal proceedings are concerned, learned counsel for the petitioner stated that it is pending consideration before the Hon'ble Apex Court. Hon'ble Apex Court has stayed the criminal proceedings.

In the light of these facts and circumstances, the competent authority is hereby directed to examine the petitioner's representation and conclude the departmental proceedings within a period of three months from the date of receipt of this order failing which petitioner shall be extended promotional benefits on *ad hoc* basis in the light of Government Policy/Resolution dated



11.09.2002 and extend service benefits subject to outcome of the pendency of the departmental inquiry and criminal proceedings.

Accordingly, the present petition stands disposed off.

At this stage, learned counsel for the petitioner submitted that petitioner is stated to have filed an Interlocutory Application questioning the validity of the second show cause notice.

Such prayer cannot be examined in the light of Hon’ble Apex Court decision in the case of **Union of India and Another vs. Kunisetty Satyanarayana** reported in **(2006) 12 SCC 28** and in the case of **Secretary, Ministry of Defence and Ors. vs. Prabhash Chandra Mirdha** reported in **(2012) 11 SCC 565**. Petitioner is at liberty to file his detailed explanation to the show cause notice and he will have cause of action as and when departmental inquiry is concluded. Accordingly, I.A. stands rejected.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

