

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10364 of 2020

Harivir Gautam Son of Late Ranbir Sinha Resident of Flat No. A/11,
Mohalla-People's Co-operative Colony, Kankarbagh, P.s.-Kankarbagh,
District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Co-operation, Vikas Bhawan, Baily Road, Patna.
2. Registrar Co-operation, Societies, Department of Co-operative Government of Bihar, Vikas Bhawan, Baily Road, Patna.
3. Principal Secretary, Urban Development and Housing Department, Government of Bihar, Vikas Bhawan, Baily Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur
Mr. Braj Kishore Singh

For the Respondent/s : Mr. R.B. PD. Yadav, AAG-11

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2022 The petitioner was proceeded against by a charge-memo which has led to order of punishment directing for withholding of 100 percent pension and gratuity of petitioner vide Memo No. 3134 dated 08.05.2020. The petitioner preferred an appeal against the said order before the Departmental Secretary.

The submission of the petitioner's counsel is that though the Inquiry Officer had exonerated the petitioner, the disciplinary authority, without any basis, had differed with his findings. The fact that the disciplinary authority's order was



without any basis, had been taken up by the petitioner by filing an appeal. The appeal was taken up promptly by the Secretary, co-operative department in order dated 23.07.2021, but having done so, the Secretary has recorded that no appeal was maintainable before the Secretary. The appropriate forum under Rule 24(2) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 was by way of a Memorial. The matter has therefore been referred to Registrar, Co-operative Societies, for exercising power under Rule 24(2).

The petitioner's counsel submits that the matter has been lingering for more than one and a half years. It is submitted that the petitioner is a retired person and 100 per cent of his pension has been withheld, even though the Inquiry Officer held that the charges could not be proved. The delay apparently has been occasioned because of the petitioner approaching the wrong authority. However, since matter is now being actively considered by the Registrar, Co-operative societies, as per submission of the petitioner's counsel, keeping the matter pending would serve no useful purpose.

Matter is disposed of with a direction to the Registrar, Co-operative Society to pass a final decision in the matter expeditiously and preferably within 8 weeks from



receipt/production of the copy of this order.

(Madhuresh Prasad, J)

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