

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16994 of 2008

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Md.Sirajuddin, Son of Late Mushaheb Mian @ M. Rehaman Resident of
Village- Bahuara Haribansh, P.S.- Kalyanpur, P.O.- Rajpur, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar and Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. SC-23

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 21-07-2022

None appears for the petitioner.

On 14.07.2022, following order was passed:-

“None appears for the petitioner.

**1st Respondent is hereby directed to file
an affidavit as to whether an employee could be
punished retrospectively or not, before the next
date of hearing, failing which he shall be present
in the Court along with relevant records.**

**In the present case, by impugned order
dated 05.10.2007, petitioner has been dismissed
from service w.e.f. 01.09.1988.**

Re-list this case on 21.07.2022.”

Petitioner was dismissed from service on 01.09.1988.

Such dismissal order from retrospectivity was ordered on
05.10.2007.

Learned counsel for the State could not apprise this
Court with reference to any provision of law by which
Disciplinary authority is empowered to impose one of the major



penalty while giving it from retrospective date. Therefore, the impugned order of dismissal is required to be read as the petitioner was dismissed from service from 05.10.2007. In the light of modification of the dismissal order that it shall be effective from the prospective date i.e. 05.10.2007, the State-respondents are hereby directed to extend all service benefits during the intervening period from 01.09.1988 to 05.10.2007. If the petitioner is entitled to any monetary benefits, the same shall be calculated and disbursed within a period of three months from the date of receipt of this order. Accordingly, the present petition stands allowed in part.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
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