

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.499 of 2020

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Vijay Tiwari, S/o Late Awadh Tiwari, Resident of Village- Kharpara, P.S.-
Karahgar, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Engineer in Chief, Water Resources Department, Govt. of Bihar, Patna
4. The Deputy Secretary cum Director Vigilance, Water Resources Department,
Govt. of Bihar, Patna
5. The Chief Engineer, Irrigation Creation, Water Resources Department, Dehri
6. The Chief Engineer, Irrigation Creation, Water Resources Department,
Motihari.
7. The Executive Engineer, Tirhut Canal Division, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Shally Kumari, Advocate
For the Respondent/s : Mr.Sudhanshu Bhushan, AC to GP-8

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-07-2022 The petitioner has approached this Court raising a grievance that he has been inflicted with the punishment of stoppage of two increments with non-cumulative effect under order dated 05.03.2019, issued by the Chief Engineer, Irrigation Creation in the Water Resources Department, Dehri.

The submission is that the said punishment has been imposed even without issuing any show cause and therefore is in contravention of the procedural prescription contained in the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005, which contemplates issuance of a show



cause prior to a minor punishment being imposed.

A counter affidavit has been filed on behalf of Respondent No.5. Annexure B to the counter affidavit is an order issued by the Chief Engineer, Irrigation Creation, Water Resources Department, Dehri dated 16.03.2020, under Memo No.648. Relying upon a departmental order dated 03.02.2020, contained in Letter No.139, the impugned punishment under order dated 05.03.2019 has been cancelled.

It is submitted by the petitioner's counsel that in view of the cancellation of the impugned punishment, the cause of action does not survive. In view thereof, the application is dismissed as having become infructuous in view of the decision of the authority, during pendency of the instant writ proceedings.

(Madhuresh Prasad, J)

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