

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1074 of 2023

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Sushil Jha Son of Late Jai BHadra Jha Resident of Village-Nazirpur, Police Station-Rahika, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Department of Finance, Govt. of Bihar, Bihar.
2. The District Magistrate, District Samastipur.
3. The Block Development Officer, Hasanpur, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Soban Asghar, Advocate
For the State	:	Mr. Nawal Kishor Singh, AC to GP-26

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-05-2023 Heard Mr. Md. Soban Asghar, learned counsel appearing on behalf of the petitioner and Mr. Nawal Kishor Singh, learned AC to learned GP-26 for the State.

2. Learned counsel appearing on behalf of the petitioner seeks to withdraw the present writ petition in view of Memo No. 272 dated 17.06.2020 in which, the District Magistrate, Samastipur has passed an order that a departmental proceeding is pending against the petitioner and without there being any order of recovery, the total amount of Rs. 8,09,082/- is liable to be recovered along with 12% interest.

3. Learned counsel appearing on behalf of the petitioner submitted that the order contained in Memo No. 272 dated 17.06.2020 is pre-decisional in nature and any



departmental proceeding, which is pending against the petitioner will prejudice the right of the petitioner.

4. Considering the admitted position that the departmental proceeding initiated against the petitioner for recovery of Rs. 8,09,082/- along with 12% interest is still pending and the order passed by the District Magistrate, Samastipur contained in Memo No. 272 dated 17.06.2020 is unwarranted, the disciplinary authority is directed to pass final order taking into consideration that the alleged defalcation is of year 2006-2011 and the petitioner had retired in the year 2014 and the disciplinary proceeding is pending since then.

5. Disciplinary proceeding is directed to be concluded within a period of three months.

6. Accordingly, the present writ petition is allowed.

(Purnendu Singh, J)

Niraj/-

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