

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13482 of 2016

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Ram Pravesh Sharma son of late Pradip Narayan Singh resident of Mohalla-
Nai Godam, Punjabi Colony, P.O./P.S./ District- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna
2. The Chief Engineer, Water Resources (Minor Irrigation) Department, Bihar, Patna
3. The Chief Engineer, Mech, Water Resources Dept., Bihar, Patna
4. The Executive Engineer, Mech, Irrigation Mechanical Division, Chhapra
5. The Executive Engineer, Mechanical, Irrigation Mechanical Division, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh
For the Respondent/s : Mr. Anirban Kundu- SC24

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-01-2023 Heard learned counsel for the parties.

Petitioner has filed this writ petition for following
reliefs:-

“i. For quashing the entire departmental proceeding initiated against petitioner on account of suspension letter issued under memo No. 1379 dated 2-3-1989, contained in Ann-1 and pending, if any, since about last 28 years and remain undecided till date in spite of repeated direction of this Hon’ble Court, contained in Ann-2, and particularly, when the petitioner already superannuated on 31.1.2015 in his basic pay scale without being provided with any regular promotion, time bound promotion and higher scale under scheme of ACP which all were/ are available and payable to petitioner and the same have



already been provided to similarly situated persons.

ii. Respondents may further be commanded to consider and grant all regular, time bound promotions as well as all three higher scale under scheme of ACP and pay the consequential monetary benefits along with revised pensionary benefits and it's arrears.

iii. Full salary for the suspension period i.e. 2-3-1989 to 4-10-1993 after deducting the subsistence allowance already paid as well as salary due since 5-10-1993 to 30-09-1994 may also be ordered to be paid to petitioner along with penal interest for inordinate delay in payment.

iv. For direction to respondents to refund Rs. 1,60,858/- to petitioner which have been deducted illegally and unceremoniously after superannuation vide letter No. 222 dated 3-5-2016, contained in Ann-12, without deciding departmental proceeding and also without awarding any punishment there under”.

It is submitted on behalf of the petitioner that petitioner was appointed as Jr. Engineer, vide office order No. 768 dated 20.03.1979 in the office of Superintending Engineer, Swarn Rekha Circle (Mech.), Jamshedpur. Vide memo No. 1379 dated 02.03.1989, issued under the signature of Joint Secretary, Water Resources (Minor Irrigation) department, Patna, petitioner was suspended till further orders under Rule 49(A)(B) of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 on account of non-giving charge of Govt. articles properly. Further contention of the petitioner is



that even after three and half years of his suspension departmental proceeding was not concluded he filed CWJC No. 2956 of 1992(R) and the writ petition was disposed on 02-12-1992 directing the respondents to conclude the departmental proceeding within four months (Annexure-1 to the writ petition). When the departmental proceeding could not be concluded, in spite of order of this court, petitioner again filed CWJC No. 2573 of 1993 (R), which was disposed of on 27-09-1993, quashing the suspension order and directing the respondents to conclude the departmental proceeding, as early as possible (Annexure-2 to the writ petition). After quashing of suspension order, petitioner joined the office of Executive Engineer on 05.10.1993 and remain awaiting for posting till 25-03-1994. After enquiry, second show cause was issued to the petitioner vide memo No. 2053 dated 28.09.1999, which was duly replied by the petitioner but even after lapse of 28 years no final order has been passed by the respondents- authorities as a result of which the petitioner could not get time bound promotions and other consequential benefits.

In reply, learned counsel for the State submits that most of the claims of the petitioner relates to Water Resources Department in view of the fact that while revoking the



suspension of the petitioner, in view of order passed in CWJC No. 2573/ 1993 ®, service of the petitioner was returned to the parent department i.e. Water Resources Department. It is next submitted that since the petitioner has retired from service on 31.01.2015 from the office of Executive Engineer (Mechanical), Irrigation Mechanical Division, Aurangabad under the Water Resources Department, the claims raised by the petitioner is to be considered and granted by the Water Resources Department.

Considering the rival submission of parties and on perusal of records, respondent No.1, Principal Secretary, Water Resources Department, Govt. of Bihar, Patna is directed to conclude the departmental proceeding within a period of two months from the date of receipt/ production of a copy of this order and shall pass a reasoned and speaking order after hearing the parties. Respondent No.1 is also directed to decide the matter of time bound promotions as well as all three higher scale under scheme of ACP, full salary for the suspension period i.e. 2-3-1989 to 4-10-1993, refund of Rs. 1,60,858/- to petitioner, which have been deducted illegally and unceremoniously after superannuation vide letter No. 222 dated 3-5-2016, and the matter of other consequential benefits of petitioner within a period of three months thereafter. If the



petitioner is found entitled to any admissible dues, the same shall be paid to the petitioner within a period of six months thereafter.

With the aforesaid observation/ direction, this writ petition stands disposed of.

(Prabhat Kumar Singh, J)

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