

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 239 of 2021

In

Civil Writ Jurisdiction Case No.7842 of 2020

Ramesh Prasad Ranjan Son of Late Dashrath Ram permanent resident of village and P.s. and P.o.- Chhatapur, District- Supaul, presently residing at Near Axis School, P.o.- Bhadurpur Housing Colony, P.s.- New Agamkuan, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna
2. The Additional Secretary, General Administration Department, Government of Bihar, Patna
3. The Under Secretary, General Administration Department, Government of Bihar, Patna
4. The Accountant General (A and E) Bihar, Patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Y.V. Giri, Sr. Advocate
Mr. Akshansh Ankit, Advocate
For the Respondent/s : Mr. P.K. Verma, AAG-3
Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 16-01-2023

State has filed their counter affidavit on behalf of respondent nos. 1 to 3 pursuant to our earlier order dated 09.01.2023.

02. Learned counsel for the respondents-State pointed out from the counter affidavit filed in writ petition CWJC No.



7842 of 2020, in particularly, Annexure C & D in pointing out that charge memo was issued on 30th July, 2018 and it was communicated to the appellant on 12.09.2018 and further he had submitted his explanation on 19.12.2018. While taking the aforesaid dates and events it is evident that charge memo was issued to the appellant prior to his date of retirement on 29.02.2020. The subsequent charge memo dated 25.01.2021 may not assist the appellant for the reasons that from the charge memo dated 30th July, 2018 it is evident that departmental inquiry was initiated against the appellant while he was in service.

03. In the light of these facts and circumstances, the appellant has not made out a *prima facie* case so as to interfere with the order of the learned Single Judge dated 11.02.2021 passed in CWJC No. 7842 of 2020.

04. With the aforesaid observations, the present Letters Patent Appeal stands dismissed in so far as order of the learned Single Judge, while upholding the impugned action of the State.

05. However, dismissal of this LPA would not come in the way of giving direction to the disciplinary authority to decide pending departmental inquiry initiated on 30th July, 2018 or any subsequent charge memo within a period of six months from the date of receipt of this order.



06. The appellant is hereby directed to co-operate in the departmental inquiry.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

