

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20249 of 2011

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Dhananjai Prasad Singh S/O Shri Hari Narayan Singh R/O Village- Kulharia,
Police Station- Koilwar, District- Bhojpur

... .. Petitioners

Versus

1. The State of Bihar Water Resources Department, Govt. Of Bihar, Sinchai Bhawan, Patna
2. The Joint Secretary Water Resources Department, Govt. Of Bihar, Sinchai Bhawan, Patna
3. The Engineer-In-Chief-Cum-Special Secretary Water Resources Department, Govt. Of Bihar, Sinchai Bhawan, Patna
4. The Engineer-In-Chief North Water Resources Department, Govt. Of Bihar, Bhagalpur
5. The Chief Engineer Water Resources Department, Govt. Of Bihar, Bhagalpur
6. The Superintending Engineer Irrigation Circle, Bhagalpur
7. The Executive Engineer, Irrigation Division, Naugachia, District- Bhagalpur

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-02-2023 Heard learned counsel for the petitioner.

This writ application has been filed for issuance of a writ in the nature of writ of *certiorari* to quash and cancel the notification issued by the Water Resources Department, Government of Bihar in vide Memo No. 660 dated 07.06.2011 (Annexure-‘17’ to the writ application). Whereby and whereunder the petitioner had been awarded the two punishments as under:-

(i). Censor for 2009-2010

(ii). Withholding of two increments with non-cumulative effect.



It appears that during pendency of the writ application, the petitioner filed an interlocutory application being I.A. No. 01 of 2021 for adding a prayer. In the Interlocutory application, the petitioner has prayed for re-fixation of his pension, as according to him, he retired on 31.01.2012 on the basis of the last pay after calculating two additional increments in his pay and arrears of part of his pension, as effect of punishment order dated 07.06.2011 i.e. withholding of two increments with non cumulative effect has already lapsed after three years. Petitioner has submitted that earlier being aggrieved by fixation of his pension he has filed a detail representation before the Principal Secretary, Water Resources Department, Government of Bihar, Patna on 05.06.2012, copy of which has been brought on record as Annexure- '19' to the interlocutory application. He had pointed out that as a result of punishment order it has an impact of reducing the pension of the petitioner as if the punishment is that of withholding of two increments with cumulative effect.

It appears that the said representation of the petitioner has now been considered and the Government has in exercise of its power of revision set-aside the order of withholding of two increments with non-cumulative effect but maintained the punishment of 'censor' for the period of 2009-2010.

This Court finds from the above mentioned



developments that during the pendency of this writ application, this petitioner has availed his remedy in revision before the Government and the impugned order of this writ application had been the subject matter of revision in which now a fresh order as contained in memo No. 1485 dated 23.11.2021 has been passed.

This fresh order is not under challenge in this writ application or in the interlocutory application. On query made by this Court as to what will be the effect of the remaining punishment of censor in the year 2009-2010, learned counsel for the petitioner has though taken attempt to assail the said order but admittedly, the fresh order is not on record and there is no pleading available on the record to assail the said order.

This Court, therefore, finds that so far as the present writ application is concerned, this cannot proceed. The petitioner may, if so advised, seek his remedy against the fresh order as contained in Memo No. 1485 dated 23.11.2021 in accordance with law.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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