

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9738 of 2012

Indu Bhushan Kumar Son Of Late Jitan Singh Resident Of Village - Shahpur
Mali, P.O.- Mali, P.S.- Karpi, Distt- Arwal, Present Resident Of Village -
Anandbag Karpi, P.S.- Karpi, Distt- Arwal

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Jehanabad
3. The District Magistrate, Arwal
4. The District Establishment Deputy Collector, Jehanabad
5. The Sub-Divisional Officer, Jehanabad
6. The Deputy Collector, Cum Conducting Officer, Jehanabad
7. The Block Development Officer, Ghosi, Distt- Jehanabad

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Subash Patel, Advocate
For the State-Respondent/s	:	Mr. Satya Vrat, AC to GP 10

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 01-02-2024

Heard Mr. Subash Patel, learned counsel for the petitioner and Mr. Satya Vrat, learned AC to GP- 10 for the State.

2. The present writ petition has been filed for commanding upon the Respondents Authorities to release the salary of the petitioner from 27.02.1987 to 05.08.1988 in terms of the order dated 05.01.1988 (*Annexure-8*). And further commanding upon the Respondent No.2 and 3, to condone the withholding of 10 increments of the petitioner from



05.01.1988.

3. Learned counsel for the petitioner submits that the petitioner was appointed as Panchayat Sewak in June, 1985 in Golakpur Dehuri Panchayat within Ghoshi Block within the District of Jehanabad. By order dated 24.12.1986 the petitioner was entrusted with the duty of Agent of construction of Kishan Bhawan within the Ghoshi Block under scheme No.69 of 1987. Suddenly, the Respondent No-2 visited the construction spot on-27.02.1987 and he came to the conclusion that the construction work was of sub-standard, therefore, suspended the petitioner on that date itself I.e. on 27.02.1987. A departmental proceeding was started against the petitioner and charge was framed on-16.06.1987 directing the petitioner to file show cause within one week. The petitioner submitted his show cause on 23.07.1987 and surprisingly without providing the petitioner any opportunity to produce evidence in his support on that date itself ie on 23.07.1987 the Enquiry Officer submitted enquiry report recommending for taking necessary action against the petitioner since the charges seems to be proved. Vide Memo No.12 the respondent no.6 has issued an order dated 05.01.1988 by which the suspension of the petitioner was revoked withholding 10 increments with a



direction to watch the conduct of the petitioner for one year thereafter if the conduct is found to be satisfactory then the salary for the period of suspension would be paid to the petitioner after obtaining necessary order from the Respondent No-2 and 3. After the completion of one year from the issuance of the order dated 05.01.1988, the petitioner filed representation before the respondent no.7 for conducting the withholding of 10 increments and to pay him the salary for the period of suspension.

4. Learned counsel for the petitioner further submits that despite of several representations, no action has been taken by the respondent-authority and the petitioner has superannuated from the post in question w.e.f. 30.04.2019.

5. Learned counsel for the State has filed a counter affidavit submitting that due to some jurisdictional point of view no decision was taken in time because the petitioner was a Panchayat Sewak in Ghoshi Block within the District of Jehanabad where he was suspended on some charges. The respondent no.3 vide his letter no. 434/Legal, dated 27.08.2012 requested the respondent no.2 to send an information about the above said matter in detail. In response to the said letter of answering respondent no.2 has reported two punishments



against the petitioner i.e. 1. To withhold 10 increments 2. after completion of one year if the conduct of the petitioner is found satisfactory, payment of remaining amount of salary of suspension period, should be considered.

6. Learned counsel for the respondents submits that the respondent no.3 has passed the disciplinary order on 21.09.2012, the petitioner may file an appeal before the learned Commissioner but he failed to do so and so far as the payment of remaining amount of salary of suspension period is concerned, the respondent authority has directed the concerned authority to make payment of remaining amount of salary of suspension period amounting to Rs. 2385 vide bill no. 148/2012-13 has been paid to the petitioner by transferring the amount in account of the petitioner and with regard to condonation of withholding of 10 increments of the petitioner is concerned, the petitioner has never challenged the order before the appellate authority or before this Hon'ble Court.

7. In view of the aforesaid, it appears that the petitioner has never challenged the order by which the respondent had awarded withholding of 10 increments and after the retirement the petitioner has approached this Hon'ble Court and the arrears of the salary of the suspension period has



already been paid to the petitioner.

8. In view of the aforesaid, there is no merit in the writ petition. Accordingly, the same stands dismissed.

(Rajesh Kumar Verma, J)

ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04. 04.2024
Transmission Date	NA

