

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.422 of 2018

In
Civil Writ Jurisdiction Case No.15956 of 2013

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The Managing Director, Bihar State Credit And Investment Corporation Limited Indira Bhawan, 4th Floor Ram Charitra Singh Path, Town and District Patna.

... .. Appellant/s

Versus

1. Udeswar Kamti son of Late Maini Kamti, Permanent village and Post-Haripur Dih Tola, P.S. Kaluahi, District- Madhubani.
2. The State of Bihar through Principal Secretary, Department of Industries, Government of Bihar-cum-Chairman, Bihar State Credit and Investment Corporation Limited.
3. Bihar State Credit and Investment Corporation Limited having its office situated at Indira Bhawan, 4th Floor, Ram Charitra Singh Path, P.O. G.P.O., P.S. Sri Krishnapuri, Town and District-Patna, through its Managing Director.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Nirmal Kumar, Advocate
For the Respondent/s : Mr. Manish Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

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

Date : 22-01-2024

The present LPA filed on behalf of the Bihar State Credit and Investment Corporation Limited (hereinafter referred to as 'Corporation') is arising out of order dated 11.12.2017 passed in CWJC No. 15956 of 2013.



2. Respondent – *Udeshwar Kamti* was dismissed/terminated from service on 15.10.2004. It was subject matter of litigation before this Court in CWJC No. 9037 of 2005 and it was allowed on 23.09.2008 while asking the disciplinary authority to hold inquiry. However, it was made an observation that he shall be continued to be remained under suspension. Thereafter, on 30.10.2009 he was exonerated in departmental inquiry. In this backdrop, the petitioner filed CWJC No. 15956 of 2013 claiming monetary benefits during the intervening period from the date of suspension/date of termination till his attaining age of superannuation on 31.10.2009 (if he was in service as on 31.10.2009). In other words, the intervening period arising out of suspension till exoneration is required to be regulated. Further, certain period from termination dated 15.10.2004 till set aside.

3. The learned Single Judge proceeded to allow the respondent's CWJC No. 15956 of 2013 on 11.12.2017 to the extent of awarding 65 % of back wages and it shall be paid within a period of three months. It was affirmed by the Division Bench in LPA No. 360 of 2018 decided on 13.04.2018, and it was filed by the Respondent – *Udeshwar Kamti*. In view of these facts and circumstances, the present LPA stands dismissed in the light of the



order dated 11.12.2017 passed in CWJC No. 15956 of 2013 read
with order dated 13.04.2018 passed in LPA No. 360 of 2018.

4. Pending I.A.(s), if any, stand disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
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