

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.557 of 2021
In
Civil Writ Jurisdiction Case No.7416 of 2018

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1. The State of Bihar, Patna.
 2. The Principal Secretary, Water Resources Department, Bihar, Patna.
 3. The Joint Secretary, Water Resources Department, Bihar, Patna.
 4. The Additional Member, Rajaswa Parishad - Cum - Additional Departmental Enquiries Commissioner, Bihar.
 5. The Deputy Director, Kraya Bhandar and Samagri Nideshalaya, Water Resources Department, Patna Cum-P
 6. The Deputy Secretary, Water Resources Department, Bihar, Patna.
 7. The Accountant General A and E, Bihar, Patna.
 8. The Secretary, Bihar Public Service Commission, Bihar, Patna.

... .. Appellants

Versus

Lakshman Ram, Son of Late Nakchhed Ram, Resident of Shyama Apartment,
Flat No. 104, South Block, East Rupaspur, Jagdeo Path, P.S. - Rupaspur,
District - Patna.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Anjani Kumar, AAG-4
		Mr. Deepak Sahay Tamuar, AC to AAG-4
For the Respondent/s	:	Mr. Indu Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 02-09-2024

Ref: I.A. No. 01 of 2024

Heard I.A. No. 01 of 2024 for condonation of
delay. There is a delay of about 137 days in filing L.P.A.



No. 557 of 2021. For the reasons stated in the application read with the affidavit, delay of about 137 days in filing L.P.A. No. 557 of 2021 stands condoned.

2. Accordingly, I.A. No. 01 of 2024 stands allowed.

3. The State-Appellants have assailed the order of the learned Single Judge dated 04.03.2021 passed in C.W.J.C. No. 7416 of 2018 on the score that certain observations have been made to the extent that there are no irregularities committed by the Respondent. Further it is contended that it is a case of remand to the disciplinary authority to proceed from the defective stage in the light of the fact that Respondent while working as Superintending Engineer/Incharge Chief Engineer under taken exercise of regularization of about 13 persons. Such regularization is contrary to law, resultantly, there are financial loss to the State exchequer.

4. Perusal of the learned Single Judge order dated 04.03.2021, in para-12, the learned Single Judge has granted liberty to the Respondents-Authority to proceed under the Bihar Pension Rules, if permissible, and decide



the matter after opportunity of hearing to the petitioner. No doubt, it has not been elaborately spell out.

5. The matter is remanded to the disciplinary authority to commence the inquiry from the defective stage after perusing the order of the learned Single Judge, where Disciplinary Authority / Inquiring Authority have committed irregularities or not in adhering to the relevant disciplinary Rules. From that stage, they must recommence the inquiry and conclude the same read with Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 and Bihar Pension Rules, for the reasons that Respondent has attained age of superannuation and retired from service. The above exercise shall be completed within a period of 04 months from the date of receipt of this order. The respondent is requested to co-operate in the disciplinary proceedings to be commenced from the defective stage till passing of a final order.

6. Whatever the observation made by the learned Single Judge, on merit, the same would not come in the way to decide the departmental inquiry afresh from the defective stage.



7. With the above observation, the present L.P.A. No. 557 of 2021 stands disposed of. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(G. Anupama Chakravarthy, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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