

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13278 of 2013

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Devendra Nath Sharma, S/O Late Brajnandan Sharma, R/O Vill.- Kachurbari,
P.S.- Harpur (Adapur), District East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Panchayati Raj, Government Of Bihar, Patna
3. The District Magistrate, Muzaffarpur
4. The Director, National Employment Program, District Rural Development Organization, Muzaffarpur
5. The Senior Incharge Dy. Collector, District Public Grievance Cell, Muzaffarpur
6. The Director, Panchayati Raj Officer, Muzaffarpur
7. The Block Development Officer, Kurhni, Muzaffarpur
8. The Block Development Officer, Paroo, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate
For the Respondent/s : Mr. Rajesh Kumar, AC to GP 3

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 30-09-2024 Petitioner has *inter alia* prayed for following reliefs

in the paragraphs No.1 of the writ petition:-

*“That the present petition is being filed for
issuance of writ of certiorari or any appropriate
writ/writs quashing memo no.3036 dated 12.06.2013
passed by the Block Development Officer, Kurhni
whereby and whereunder petitioner has been relieved
from the post of Panchayat Secretary, Madhopur Susta
Panchayat and asked to give charge to one Sri
Awdhesh Kumar Singh, Panchayat Secretary of another
Panchayat.”*



2. Considering the statements made in paragraphs no.13 and 14 of the counter affidavit, in which respondents no.3 and 7 have admitted that petitioner is entitled for salary for working period and no departmental proceeding is pending against the petitioner in view of the statement made in paragraph no.15, where specific statement has been made that the order of suspension No.308/Panchayat dated 07.07.2011 has been declared to be non-operative, the petitioner cannot be denied salary any time before 07.07.2011 in view of no pendency of any departmental proceeding against him or any penalty order. So far as the subsequent suspension of the petitioner *vide* order no.1611 dated 09.12.2013 is concerned, petitioner was served with charge memo as contained in Memo No.1609 but no information has been given with respect to the final outcome of the departmental proceeding.

3.This Court at this stage don't find it proper to interfere with any ongoing departmental proceeding against the petitioner.

4. Though the writ petition is pending since the year 2013, neither the petitioner nor the State has given any information in respect of final order having been passed in Departmental Proceeding.



5. The writ petition is consigned, giving liberty to the
either parties to avail appropriate remedy in accordance with
law.

(Purnendu Singh, J)

Sanjay/-

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