

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.934 of 2019

In

Civil Writ Jurisdiction Case No.7337 of 2019

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Binay Kumar @ Binay Kumar Rai Son of Late Chandrika Prasad Resident of
Village - Dharampur, Punjabi Colony, Ward No. 1, P.S- Samastipur Town,
District- Samastipur, Bihar-848101

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary Revenue and Land Reforms Department,
Government of Bihar, Patna
3. The Principal Secretary General Administration Department, Government of
Bihar, Patna
4. The Principal Secretary Department of Finance, Government of Bihar, Patna
5. The Commissioner Tirhut Division at Muzaffarpur
6. The District Magistrate-cum-Collector West Champaran at Bettiah
7. The Additional Collector/Sub-Divisional Officer Narkatiaganj, West
Champaran at Bettiah
8. The Deputy Collector Establishment, West Champaran at Bettiah
9. The Treasury Officer West Champaran at Bettiah
10. The Circle Officer Mainatand, West Champaran

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Amrit Abhijat, Adv.

For the Respondent/s : Mr.Kinkar Kumar, SC 9

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 23-09-2024

Appellant has assailed the order of the learned
Single Judge dated 01.05.2019 passed in C.W.J.C. No. 7337 of
2019.

2. Short question for consideration in the present lis



is whether appellant Binay Kumar @ Binay Kumar Rai while he was in service he was involved in a criminal case and arrested on 14.06.2010. Thereafter he was placed under suspension on 16.09.2010 and he has attained age of superannuation and retired from service on 01.07.2011. In this backdrop, the respondents have not initiated disciplinary proceedings. On the other hand, they have revoked the suspension order. That apart, appellant has been acquitted in the criminal proceedings. Due to inaction on the part of the respondents in not initiating disciplinary proceedings insofar as appellant was involved in criminal case, in fact, from perusal of the records, it is evident that certain process or initiation of enquiry commenced but thereafter it has not concluded, therefore, there is no default on the part of the appellant in not regulating the intervening period from the date of arrest to the date of suspension and it's revocation read with retirement date. The learned Single Judge has not appreciated the aforementioned dates and events and the inaction on the part of respondents in not initiating and concluded the disciplinary proceedings insofar as alleged involvement of the appellant to the extent of criminal proceedings read with arrest, suspension, bail granted, revocation of suspension and acquittal in the criminal



proceedings. Therefore, learned Single Judge has committed error in denying the monetary benefits for certain period in favour of the appellant. The aforementioned period is required to be regulated only after initiating departmental enquiry, no such departmental enquiry has been initiated and concluded. Resultantly, appellant is entitled to regulate the aforementioned period under Bihar Service Code read with relevant orders/resolution, if any, and monetary benefits for the aforementioned period. The same shall be calculated and disbursed in favour of the appellant within a period of six months from the date of receipt of this order.

3. Accordingly, order passed by the learned Single Judge is set aside. L.P.A. stands allowed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	N/A
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