

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6641 of 2018

Baban Kumar, Son of Late Thakur Singh, Resident of Village- Ithahia, P.S.-
Mufassil, District- Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Revenue Department,
Government of Bihar, Patna.
2. The Principal Secretary, Revenue Department, Government of Bihar, Patna.
3. The Commissioner, Tirhut Commissionery, Muzaffarpur.
4. The Collector, Saran at Chhapra.
5. The Conducting Officer-cum-Senior Deputy Collector, Saran at Chhapra.
6. The Circle Officer, Sonapur, District- Saran, Chhapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gajendra Kumar Jha, Adv. Mr. Sushil Kumar Jha, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 04-03-2024

CWJC No. 6641 of 2018:-

I.A. No.1 of 2019 and I.A. No.2 of 2024:-

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the
present writ petition has been filed for revoking the suspension
of the petitioner in the light of the Government resolution and
also for directing the respondents to remanded back the matter
to the Conducting Officer for fresh enquiry is contrary to



provision of Rule 18 of Bihar Government Servant (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as “CCA Rules, 2005”). Counsel further submits that during the pendency of the writ petition, punishment order has been passed against the petitioner *vide* order no. 118 dated 31.03.2018 which was received by the petitioner on 03.05.2018. Counsel also submits that he has challenged the said order in I.A. No. 1 of 2019, but simultaneously, he has preferred departmental appeal and in the appeal *vide* order dated 11.10.2019 passed in Service Appeal No.122 of 2018, he was exonerated from the charges and no further enquiry or continuation of departmental proceeding has been ordered.

3. Learned counsel for the petitioner submits that I.A. No.1 of 2019 has become infructuous. Therefore, he is not pressing the said I.A. Counsel further submits that by filing I.A. No.2 of 2024, he raised a limited grievance that even after passing order with regard to the setting aside his punishment by the Appellate Court, no order has been passed by the competent authorities in the light of Rule 13 of the CCA Rules, 2005.

4. Learned counsel for the State submits that the petitioner has already exonerated as it transpires from I.A. No.2 of 2024.



5. Hence, I.A. No.1 of 2019 is hereby becomes infructuous.

6. In the light of the submissions made and upon going through the provision of law, particularly Rule 10, 11 and 12 of the CCA Rules, 2005, it transpires to this Court that those provisions have been discussed in the CCA Rules, 2005 relating to treatment of service on the alleged delinquent after suspension, as a result of treatment of service on re-instatement, admissibility of pay, allowances after dismissal, removal, compulsory retirement as a result of appeal as well as termination of service on re-instatement and admissibility of pay and allowances under dismissal, removal or compulsory retirement is set aside by a Court of Law.

7. It transpires to this Court that the respondent-District Magistrate must have to take a decision in the light of Rule 13 of the CCA Rules, 2005 which has not been taken in his order no.41 of 2024 which has been attached in I.A. No.2 of 2024.

8. As such, this Court directs the respondent-District Magistrate to pass order for the petitioner in the light of Rule 13 of the CCA Rules, 2005 within 90 days upon filing the representation by the petitioner within four weeks along with



order passed by this Court.

9. With the aforesaid observations and directions, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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