

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18110 of 2022

Ashok Kumar son of Sridhar Sinha, resident of Mohalla- Ward No. 01, Road No. 23, Rajiv Nagar, P.S.- Rajiv Naga, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Rural Works Department, Bihar, Patna.
3. The Officer-on-Special Duty, Rural Works Department, Bihar, Patna.
4. The Chief Engineer-3, Rural Works Department, Bihar, Patna-cum-Inquiry Officer.
5. The Under Secretary, Rural Works Department, Bihar, Patna.
6. The Accountant General of Bihar, Veer Chand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prabhu Nath Pathak, Advocate
For the Respondent/s	:	Mr.Ajay (Ga5)
		Mr.Rakesh Kr. Ranjan, AC to GA-5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-04-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1(i) For quashing the Resolution of Departmental Proceeding initiated under Rule-43 (b) of Bihar Pension Rule vide memo No. 13 dated 03.01.2019 issued by the Under Secretary, Rural Works Department, Bihar, Patna including Memo of Charge under Rule-17 of CCA Rules 2005 as contained in Annexure-11 (A) & 11(B) which were taken after retirement of the Petitioner since, the Petitioner retired from service on 31.01.2018 from the post of Executive Engineer, Rural



Works Department, Bihar, Patna.

(ii) For quashing of ex-parte Inquiry Report dated 10.07.2019 made without examining the witness/document and evidence which is contrary to Rule-17 of CCA Rules-2005 as contained in Annexure-12.

(ii) For quashing the 2nd Show-cause notice issued under letter No. 2510 dated 27.08.2019 issued by the Officer-on-Special Duty, Rural Works Department, Bihar, Patna in pursuant to proved charge made in Inquiry Report, dated 10.07.2019 as contained in Annexure-13.

1(b) That further by this application, the Petitioner is invoking writ jurisdiction of this Hon'ble Court in the nature of Mandamus for directing the Respondents to pay remaining 10% pension and gratuity, leave encashment for 300 days and commutation of pension as no departmental or criminal case was pending against the Petitioner on or before the date of retirement.”

2. At the outset, the learned counsel for the petitioner submits that it is apparent from the counter affidavit, filed in the present case that the petitioner has been exonerated from the charges, levelled against him in the ongoing departmental proceeding vide notification dated 16.01.2023, issued by the Special Secretary, Rural Works Department, Government of



Bihar, Patna, hence the present writ petition has been rendered infructuous.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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