

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15916 of 2023

Binod Kumar Son of Late Laxmi Prasad Gupta, resident of Ward No. 17,
Rohiyama, P.S.-Beldour, District-Khagaria.

.. ... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar.
2. The Additional Chief Secretary, Water Resources Department, Bihar, Patna.
3. The Joint Secretary, Water Resources Department, Bihar, Patna.
4. The Deputy Secretary, Water Resources Department, Bihar, Patna.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhu Nath Pathak, Adv.
For the Respondent/s : Mr.Anjani Kumar (AAG-4)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-04-2024 1. The present writ petition has been filed seeking the
following relief(s):-

“1.i) For directing the respondent Additional Chief Secretary, Water Resources Department, Bihar, Patna to conclude the departmental proceeding initiated under Resolution containing Memo No. 140 dated 02.02.2021 issued by the Deputy Secretary, Water Resources Department, Bihar, Patna in which the Petitioner has been exonerated by the Enquiry Officer-cum-Superintending Engineer Sone Barrage Circle, Dehri and Second Show Cause Notice was issued under departmental Letter No. 602 dated 16.03.2022 against which the petitioner replied on 30.03.2022 even then, the said departmental proceeding has not been concluded till yet which is violative to the Govt. Circular issued under



letter No. 2178 dated 28.02.2007 which mandates for completion of departmental proceeding within 12 month from the date of complain and two months from the date of Second Show Cause under Rule-18 of CCA Rules 2005.

(ii) For directing the respondent Additional Chief Secretary, Water Resources Department, Bihar, Patna to conclude the another departmental proceeding initiated under Resolution containing Memo No. 176 dated 05.02.2021 by the Deputy Secretary, Water Resources Department, Bihar, Patna against which Enquiry was concluded and Second Show Cause Notice has been issued under departmental letter No. 734 dated 01.04.2022 against which the Petitioner submitted the Second Show Cause on 22.04.2022 but the said departmental proceeding has not been concluded till yet which is contrary to the Govt. Circular issued under letter No. 2178 dated 28.02.2007 issued by the Personnel and Administrative Department, Govt. of Bihar, Patna.

AND

(iii) For further Direction to the respondent to promote the petitioner to the post of Executive Engineer (Incharge) w.e.f. the promotion to his immediate junior i.e. Shrawan Kumar Vyas whose gradation serial No. is 417 in gradation list of Assistant Engineer where as the petitioner appeared at Serial No. 413 in the said gradation list of Assistant Engineer. Shrawan Kumar Vyas



has been promoted to Incharge Executive Engineer on 22.04.2021 vide Notification No 1141 dated 22.04.2021 issued by the Joint Secretary, Water Resources Department, Bihar, Patna (Annexure-2) but the Petitioner has not been considered for the said promotion on the ground of pendency of departmental proceeding which is continuing luxuriously and is contrary to the Govt. Circular issued under letter No. 2178 dated 28.02.2007 by the Personnel and Administrative Reforms Department, Govt. of Bihar, Patna.”

2. At the outset, the learned counsel for the parties are in agreement that the present writ petition can be disposed off with a direction to the Disciplinary Authority to conclude the departmental proceedings initiated against the petitioner vide resolutions dated 02.02.2021 and 05.02.2021 and pass the final order, within a period of six months from today, failing which the Disciplinary Authority shall not draw his salary. It is directed accordingly.

3. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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