

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18516 of 2024

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Bikesh Kumar, Son of Birendra Pathak, Resident of House No 102 (2),
Professor Colony, Birpur Ward No.13, Birpur, Basantpur, District Supaul
Bihar 854340.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Transport Department, Government of Bihar, Vishwesaraiya Bhawan, Bailey Road, Patna, Bihar-800015.
3. The State Transport Commissioner, Transport Department, Government of Bihar, Vishwesaraiya Bhawan, Bailey Road, Patna, Bihar-800015.
4. The Bihar State Electronic Development Corporation Limited, Shastri Nagar, Patna through its Managing Director.
5. The Managing Director, Bihar State Electronic Development Corporation Limited, Shastri Nagar, Patna. Bihar.
6. The Joint Commissioner-Cum-Secretary, Regional Transport Authority, Muzaffarur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Harsh Kaushal, Advocate
		Mr. Abhishek Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Sanjay Kumar, Advocate
For Beltron	:	Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-12-2024 Heard Mr. Abhishek Kumar Pandey, learned Advocate

for the Petitioner and Mr. Sanjay Kumar, learned Advocate for

the State.

2. The petitioner seeks issuance of writ in the nature of mandamus directing the respondents to restitute the petitioner on his original post of Programmer, pursuant to the Memo No. 2416 dated 15.04.2024, issued by the respondent no. 6. (The Joint Commissioner-cum-Secretary, Regional Transport Authority, Muzaffarpur), whereby the petitioner has been exonerated from all the charges/imputation upon which his



service was returned to the Bihar State Electronic Development Corporation Limited (hereinafter referred to as 'BELTRON') on 16.11.2021. It is also the contention of the petitioner that since 2021 the petitioner has not been accorded his remuneration for the last three years causing undue hardship.

3. Learned Advocate for the petitioner contended that pursuant to an advertisement published by the BELTRON for appointment on contract basis on various post including the post of programmer, the petitioner on being found eligible submitted his application and after following all the procedure, the petitioner was appointed way back in the year 2014 vide letter no. 955 dated 17.02.2014. Since then the petitioner has been uninterruptedly discharging his duty to the entire satisfaction of the authorities concerned.

4. In the mean time, on account of certain charges, an inspection was conducted and the services of the petitioner has been dispensed with. The matter has been finally taken to the The Joint Commissioner-cum-Secretary, Regional Transport Authority, Muzaffarpur, who upon consideration vide Memo No. 2416 dated 15.04.2024 concluded that there was no irregularity on the part of the petitioner and accordingly exonerated the petitioner from all the charges of imputation.

5. It is further contended that despite his exoneration



from all the imputation, the petitioner has not been restituted on his post and, as such, he filed a detailed representation before the Secretary, Transport Department, Government of Bihar, Patna on 18.07.2024 but, till date, the services of the petitioner has not been restituted.

6. Learned Advocate for the State and the BELTRON submit at the Bar that since the representation of the petitioner is pending consideration before the respondent no. 2, who is the competent authority, shall pass the appropriate order.

7. This Court is not oblivious of the fact that the service of the petitioner was provided by the BELTRON and the District Transport Office is only user of his service, but once service of an employee was dispensed with by alleging certain imputation and aspersion, leading to enquiry culminated into exoneration from the charges, the user of the services of such employee, is bound to take a further decision to retain or return his services, in the interest of service user.

8. Having considered the submissions advanced on behalf of the parties and taking note of the limited grievance of the petitioner, this Court direct the respondent no. 2 to take up the representation of the petitioner and bring to its logical conclusion by passing an appropriate order in accordance with law, especially in the light of the fact that the petitioner has been



exonerated from all the charges/imputation vide annexure P/9 to the writ petition, preferably within a period of 8 weeks from the date of receipt/production of a copy of this order.

9. The writ petition stands disposed off with the aforesaid order.

(Harish Kumar, J)

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