

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12471 of 2018

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Krishna Kant Lal Das Son of Late Sadanand Lal Das, Resident of M-29,
Housing Board, Khaja Sarai, Kherojpur, Police Station- Khajasarai, District-
Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food & Civil Supply,
Bihar, Patna.
2. The Additional Secretary, Food & Civil Supply, Bihar, Patna.
3. Deputy Secretary, Food & Civil Supply, Bihar, Patna.
4. The District Magistrate, Darbhanga.
5. The S.D.M., Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhitabh Kumar, Advocate
For the Respondent/s	:	Mr. S.Raza Ahmad, AAG-5
		Mr. Vishwambhar Prasad, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 26-02-2024

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

2. Learned counsel for the petitioner submits that
due to inadvertence in relief paragraph 1(ii) year of suspension
period has wrongly been typed 2016 in place of 2006. He seeks
permission to correct the same.

3. Permission is granted to correct the same in
course of the day.

4. The present writ petition has been filed for



quashing the order passed by respondent No.3 for continuation of the departmental proceeding under Rule 43(b) of the Bihar Pension Rules, 1950, contained in Memo No. 6522 dated 21.12.2017. In addition to that counsel has sought relief to make payment of suspension period from 06.02.2006 to 01.09.2006 and further to make payment of two A.C.Ps. for which the petitioner is entitled for the same due to the reason that he has been serving for about 24 years and petitioner is also entitled for A.C.P. Scheme, 2010 as well as to pay the pension in the pay scale of Rs.9300/- to Rs.34,800/-.

5. Learned counsel for the State submits that the relief demanded by the petitioner in the writ petition may not be granted due to the reason that the departmental proceeding has been converted under Rule 43(b) of Bihar Pension Rules, 1950, against the petitioner and till pendency of the departmental proceeding the relief demanded by the petitioner in the writ petition may be granted.

6. In the light of the submissions made, it transpires to this Court that the said order about conversion of Rule 43(b) has been issued by the Government vide Memo No.6522 dated 21.12.2017. It is surprising for this Court that proceeding is pending for such a long period.



7. In this view of the matter, this Court directs the respondent to conclude the departmental proceeding against the petitioner within three months from the date of receipt/production of a copy of this order, if not concluded.

8. With the aforesaid direction, this writ petition is disposed off.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2024
Transmission Date	NA

