

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.106 of 2020

In
Civil Writ Jurisdiction Case No.18943 of 2018

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1. The State of Bihar through the Secretary, Rural Works Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
 2. The Principal Secretary, Finance Department, Old Secretariat, Police Station Sachivalaya, District- Patna.
 3. The Deputy Secretary, Rural Works Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
 4. The Deputy Secretary, Personnel Claim and Determination Cell, Finance Department, Old Secretariat, Patna.

... .. Petitioner/s

Versus

1. Puneshwar Rajak Son of Late Rameshwar Rajak Resident of Village Bela Bagan, Durga Bari Road No. 2, Police Station- Deoghar, District- Deoghar, Jharkhand.
2. The Accountant General (Accounts and Entitlement), Bihar, Birchand Patel Path, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Chandra, Advocate
For the Opposite Party/s :	Mr. Rupak Kumar, Advocate
	Mr. Dr. Anand Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 26-06-2025 Heard learned counsel representing the State as also

learned counsel representing the writ petitioner, Mr. Rupak

Kumar.

2. The present review petition has been preferred for

the following relief(s):

*“for review of the order dated
08.06.2020 passed by Hon’ble Mr. Justice Anil
Kumar Upadhyay (as his lordship then was) in*



CWJC No. 18943 of 2018 to the extent that a period of six weeks granted to the respondents-appellants to conclude enquiry in a pending departmental proceeding against the writ petitioner may be extended to a period of six months on the ground that at the time when counter affidavit was filed by the state respondents on basis of instructions given by the department, only one departmental proceeding was pending against the writ petitioner, however in the interregnum period of filing the counter affidavit and the date of hearing of the matter i.e. three more departmental proceedings were initiated against after the approval of the competent authority and hence for completion of altogether four departmental proceedings a period of six months may be granted to see the ends of Justice.”

3. The writ petitioner serving with the State Government moved before this Court for grant of his retiral dues after his superannuation.

4. A counter-affidavit came to be filed on behalf of the respondent nos. 1 and 3 stating that he has been released 90%



provisional pension while GPF amount also being sanctioned. So far as remaining post retiral benefit is/are concerned, a Departmental Proceeding is pending against him for irregularity in construction of road during his posting as an Assistant Engineer under Dhaka Works Division.

5. It is to be noted that a vague statement was made that a departmental proceeding is pending without any date/number so that the same could be recorded by the Writ Court.

6. In that background, the Writ Court on 08.06.2020 took up the matter and disposed it of with a direction to the respondents to conclude the enquiry in six weeks failing which they cannot move further and shall ensure payment of admitted retiral dues in next six weeks.

7. The order of the writ Court was to conclude the Departmental Proceeding in six weeks. Six months later, a review petition was filed vide **Civil Review No. 106 of 2020** with the prayer to extend the period of six weeks to six months. Another point taken by the respondents was/were that several Departmental Proceedings are/were pending against him. Again the details of the Departmental Proceedings were not narrated.

8. The seriousness of the State



Government/Department can be seen from the fact that the aforesaid Civil Review petition was kept defective for more than three years and only after a Bench of this Court on 21.09.2023 passed a peremptory order to remove the defect in a week; the office conducting the case came out of the deep slumber and removed the defects whereafter the case saw the light of the day on 10.10.2023 when another Coordinate Bench issued notice to the writ petitioner.

9. Learned counsel for the review petitioner submits that the Writ Court passed an order to dispose it of in six weeks failing which the payments were to be made. Later, it came to notice that some more departmental proceedings are pending against him and in that background, six months time was asked for.

10. Learned counsel representing the writ petitioner, Mr. Rupak Kumar submits that all the departmental proceedings were pending when the counter-affidavit was filed in the writ Court stating that a departmental proceeding was pending. Deliberately, the details were left out to hoodwink the Court. He further submits that it is not the case of the State that within six weeks, they preferred any petition for extension of time and/or even after filing of the Civil Review took any steps for its early



hearing. He has taken this Court to the counter-affidavit of the Accountant General to show that the writ petitioner has received the financial benefits released by the State Government and as such, he has now no issue with the authorities.

11. The facts have been recorded above. It clearly shows the conduct of the mighty State Government against an individual who after completing his tenure retired, wanted retiral benefits. Alibi of departmental proceeding was taken. The writ Court wanted it to dispose of the proceeding failing which the financial benefits should be extended to him. Instead and only to stall the same, six months later, a review petition was filed which was kept at defective stage for three years nine months and today after five years, the prayer for extension is being made which with the passage of time has become stale.

12. For the record, it is to be observed that learned counsel representing the State of Bihar has informed that decisions have been taken in three departmental proceedings on 22.09.2020, 02.11.2020 and 02.02.2021.

13. It clearly shows that decisions were already taken in two departmental proceedings when review petition was filed save and except in one case. This petition thus can be put in the category of frivolous petition on the aforesaid facts and in that



background, the same is dismissed with a cost of Rs. 5,000/- to be paid by the Review petitioners to the Patna High Court Legal Services Committee within a period of four weeks failing which, steps be taken for the realization of the amount in accordance with law.

14. The review petition stands dismissed.

(Rajiv Roy, J)

Adnan/-

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