

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1351 of 2022

Nandjee Mehta S/o Late Ram Naresh Singh, R/o Village-Kastar Mahadeo,
P.S.-Bikramganj, District-Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Old Secretariat, Patna, Bihar.
2. The Divisional Commissioner, Patna Division, Patna.
3. The Collector cum District Magistrate, District Bhojpur at Ara.
4. The Additional Collector Land Reform, District Bhojpur at Ara.
5. The Sub-Divisional Officer, Sadar, Ara, District Bhojpur.
6. The Circle Officer Udwant Nagar, District Bhojpur.
7. The Accountant General (P and E), Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate Mr. Uday Pratap Singh, Advocate
For the State	:	Mr. Rishi Raj Sinha, SC-19 Mr. Manoj Kumar Sinha, AC to SC- 19
For the AG	:	Mr. Raj Nandan Prasad, Advocate Mr. Vishesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

9 24-04-2026 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following reliefs:

*“1. i. For issuance of writ in
the nature of mandamus or any other
appropriate writ or direction to the
respondent no.3 to pay the rest salary
of petitioner for the period of*



suspension i.e. from 03/05/2011 to 31/08/2012 with penal interest as applicable in accordance with law.

ii. For issuance of writ in the nature of mandamus or any other appropriate writ or direction to the respondent no.3 for disposal of representation dated 05/07/2021 filed by petitioner within time frame.

iii. For any other appropriate writ or direction to the respondent for which the petitioner is otherwise entitled under law.”

3. The case of the petitioner in brief is that the petitioner was placed under suspension on 3.5.2011 and a departmental proceeding was started against him. In the meantime, the petitioner retired from service on 31.8.2012.

4. The respondents came to pass the order of punishment dated 25.1.2014 which was challenged by the petitioner in C.W.J.C. no. 6474 of 2014.

5. By order dated 8.9.2016 passed in C.W.J.C. no. 6474 of 2014, the order of punishment dated 25.1.2014 was set aside being highly disproportionate with liberty to the Collector, Bhojpur, Ara to pass a fresh order of punishment after considering the gravity of charges.



6. Learned counsel for the petitioner submits that a fresh order of punishment dated 21.9.2014⁷ was passed which was again challenged by the petitioner in C.W.J.C. no. 18823 of 2018.

7. By order dated 8.6.2020 passed in C.W.J.C. no. 18823 of 2018, the order of punishment dated 21.9.2017 was quashed with a direction to the respondents to revise the punishment. The order of punishment was modified as forfeiture of 10% pension instead of the entire pension.

8. Learned counsel for the petitioner submits that inspite of the order of punishment having been modified and the petitioner filing representation, the petitioner has not been paid the arrears of difference of salary for the period that the petitioner was illegally kept under suspension from 3.5.2011 till the date of his retirement i.e. 31.8.2012. It is for payment of the arrears of salary for this period that the instant writ application has been filed.

9. It is not in dispute that the representation filed by the petitioner for the reliefs prayed for in the instant writ application has not been disposed off by the respondent authorities.

10. In view of the facts and circumstances of the case,



the writ application is disposed off directing the petitioner to file a representation before the Collector-cum-District Magistrate, Bhojpur at Ara (respondent no.3) within a period of four weeks from today.

11. In case such a representation is filed, the same shall be disposed off by the respondent concerned within a period of six weeks from the date of its filing and the consequential benefits found payable to the petitioner shall be paid within a period of two months from the date of passing of the order.

12. In case the representation of the petitioner does not find favour with the respondent concerned, a reasoned order for the same shall be communicated to the petitioner forthwith.

13. The writ application stands disposed off.

(Partha Sarthy, J)

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