

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1859 of 2022

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Gorelal Paswan Son of Late Suraj Paswan Resident of Mohalla- Sanjay Gandhi Nagar, Road No. 3, Kali Mandir Road, Hanuman Nagar, P.S.- Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Work Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Work Department, Government of Bihar, Patna.
3. The Engineer in Chief Rural Work Department, Government of Bihar, Patna.
4. The Superintendent Engineer, Rural Work Circle, Patna, District- Patna, Rural Work Department, Government of Bihar, Patna.
5. The Executive Engineer, Rural Work Division at Paliganj, District- Patna, Rural Work Department, Government of Bihar, Patna.
6. The Accountant Rural Work Division, at Paliganj, Patna District- Patna, Rural Work Department, Government of Bihar, Patna.
7. The Accountant General Mahalekhakar Bhawan, Beerchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the Respondent/s : Mr. Ajay (GA-5)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 24-04-2026 Heard learned counsel for the parties.

2. The petitioner has filed the instant application for the following relief (s) :-

“1. That this is an application praying for issuance of writ/ writs ceretiorary or appropriate in nature for quashing the part order of the letter 5/अ 0 प्र 06-32/2019 dated 25.10.2021 (Annexure-6) issued by the Special Secretary of the Government of the Rural work to Served Department, Government Bihar the Accountant General Bihar whereby and



whereunder 10% pension, entire amount of of leave gratuity, amount encashment has been kept pending illegally due to initiated Departmental proceeding against the petitioner as well as praying for direction to the respondents for make payment of entire amount of gratuity, entire amount of leave encashment and ten percent pension with arrears with statutory interest which has not been paid to the petitioner after retirement from service from the post of Assistant Engineer from Rural Work Division Paliganj, Rural work Department Government of Bihar Patna.”

3. On a direction of this Court, a supplementary counter affidavit has been filed on behalf of the respondent nos. 1 to 5 on 17.4.2026, the relevant portion of which is reproduced herein below for ready reference :-

“4. That it is very humbly submitted on behalf o the present respondent that the examination and cross-of the concerned examination witnesses has already been completed which is evident from order dated 28.01.2026 passed by the Enquiry commissioner in departmental proceeding case no. 03 of 2023 and the petitioner has been directed to ensure filing of written statement on the next of hearing i.e. on 26.02.2026.

A photo/type copy of the order dated 28.01.2026 is annexed herewith and marked as Annexure-R/B to



supplementary counter affidavit.

5. That it is further submitted that on 26.02.2026 the hearing on the departmental proceeding was conducted but the petitioners was not present in the said hearing and made request for grant of time for submitting his written statement citing the reasons of his being out of Patna.

A photo/type copy of the order dated 26.02.2026 is annexed herewith and marked as Annexure-R/C to this supplementary counter affidavit.

6. That it is stated that considering the aforesaid request of the petitioner the next date of hearing on the departmental proceeding was fixed on 25.03.2026 but the hearing could not be conducted on 25.03.2026.

7. That it is very humbly submitted before this Hon'ble Court that Enquiry Commissioner in this case is Secretary, Cooperative Department, Bihar, Patna.

8. That so far as the query made by the Hon'ble Court as to within what time the departmental proceeding is expected to conclude, it is very humbly submitted in this respect that the proceeding is in the advance stage of hearing and is likely to be concluded soon subject to sincere cooperation of the petitioner.

A photo/type copy of the D.O. Letter no. 2226 dated 25.02.2025 is annexed herewith and marked as Annexure-R/D to this supplementary counter affidavit.



9. That in view of the facts and circumstances stated hereinabove it is very humbly submitted that as soon as the enquiry report of the departmental proceeding submitted by will be the Enquiry Commissioner/ Conducting Officer to the department, the further and necessary order will be passed by the disciplinary accordance with law.”

4. In view of the facts as evident from the contents of the supplementary counter affidavit and the departmental proceeding having proceeded wherein the enquiry report is expected to be submitted any day, the writ application is disposed of directing the respondents to conclude the departmental proceeding in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

5. If required, the petitioner will thereafter be at liberty to file a representation before the appropriate authority for his remaining grievances.

6. The writ application stands disposed of.

(Partha Sarthy, J)

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