

(2021) 02 PAT CK 0019

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 8626 Of 2020

Suresh Ram

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: Feb. 2, 2021**Acts Referred:**

- Bihar Government Servants (Classification, Control And Appeal) Rules, 2005 - Rule 14(xi), 17, 28(1)

Hon'ble Judges: Ahsanuddin Amanullah, J**Bench:** Single Bench**Advocate:** Arun Kumar, Amit Prakash, Sanjay Kumar**Final Decision:** Disposed Of

Judgement

1. The matter has been heard via video conferencing.

2. Heard Mr. Arun Kumar, learned counsel for the petitioner and Mr. Amit Prakash, learned GA 13 along with Mr. Sanjay Kumar, learned AC to GA

13 for the State.

3. The petitioner has moved the Court for the following reliefs:

â€œFor quashing of the entire departmental proceeding initiated against the petitioner by order dated 21/03/2018 contained in letter Memo

No. 2806 dated 23.3.2018 (Annexure-4) of the Registrar of the Cooperative Societies and the enquiry report sent along with letter No. 1252

dated 24/12/2018 (Annexure-6) of the Joint Registrar cum Enquiry Conducting Officer, Cooperative Societies, Patna Division, Patna

having ab initio bad being violative of procedures enumerated in Rule 17 of the Bihar Government Servant (Classification, Control and

Appeal) Rules, 2005 and its amended Rules (in short, referred as Bihar CCA Rules, 2005) and Principal of Natural Justice.

ii. For quashing of the order 31/05/2019 contained in memo no. 5237 dated 03/06/2019 (Annexure-9 of the respondent Registrar,

Cooperative Societies, Bihar, Patna whereby the petitioner has been dismissed from the service under Rule 14(xi) of the aforesaid Bihar

CCA Rules, 2005.

iii. For quashing of the order dated 16/12/2019 contained in Memo No. 190 dated 15/01/2020 (Annexure-11) passed by respondent

Additional Chief Secretary, Cooperative Department, Bihar, Patna whereby the Service Appeal Case No. 28/2019 (Annexure-10) filed on

behalf of the petitioner against the aforesaid order dated 03/06.2019 of the respondent Registrar was rejected.

iv. For issuance of a direction commanding the respondents to restate the petitioner in service from the date of dismissal of service with full

back wages and allowances and promotional benefis treating him to a regular employee.

v. For any other relief/reliefs to which the petitioner is found legally entitled for the meat of Justice.â€

4. Learned counsel for the petitioner submitted that against his order of dismissal, he has moved in appeal which was also dismissed and finally, he has

filed a revision petition under Rule 28(1) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005, which is still pending for

almost one year.

5. At the outset, learned counsel for the State submitted that if the petitioner is limiting his prayer to disposal of such revision before the Honâ€™ble

Minister of the Co-operative Department, the writ petition may be disposed off and the said revision shall be finally disposed off within six weeks.

6. Learned counsel for the petitioner agrees to such suggestion of learned counsel for the State.

7. In view thereof, the writ petition stands disposed off in the following terms.

8. Let the revision filed by the petitioner, copy of which is Annexure 12 to the writ application, be disposed off by passing a detailed and reasoned

order, if already not done, within two months from today. Learned counsel for the State has undertaken to communicate the order to the authorities concerned.