

(2002) 11 PAT CK 0022
Patna High Court
Case No: L.P.A. No. 1193 of 2002

The State of Bihar and
Others

APPELLANT

Vs

Shamsher Bahadur
Singh and Another

RESPONDENT

Date of Decision: Nov. 28, 2002

Citation: (2003) 2 PLJR 833

Hon'ble Judges: Ravi. S. Dhavan, C.J; R.N. Prasad, J

Bench: Division Bench

Advocate: Sudhir Kumar, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. All that has happened is that the learned Judge has permitted the post retirement dues to be paid. The learned Judge was of the view that the proceedings initiated against the Petitioner who was a Senior clerk at the Cattle Development Officer, Animal Husbandary Department, Bhagwanpur, Muzaffarpur were in 1979, the year when he was suspended. The cause of suspension was misappropriation and forgery and withdrawal of provident fund dues of other persons. The suspension continued until 1984. Thereafter the Petitioner was given duties. The Petitioner retired in 1993. A criminal case has been filed in addition to the departmental proceedings which are pending and awaiting the result of the criminal case. The learned Judge was of the view that depending upon the result of the criminal case further action can always be taken by the State against the Petitioner notwithstanding that he may be a pensioner.

2. This Court views the situation in addition to what the learned Judge has observed. Matters like this are becoming rampant. Catching a petty official will not do. If forgery and misappropriation took place in the office of Respondent No. 4, a

question will always arise of public accountability as to what was done by whoever was Respondent No. 4, that is to say, Cattle Development Officer, Animal Husbandry, Bhagwanpur, Muzaffarpur. Was any action taken against this officer or any officer higher to this officer? The responsibility of the higher official also continues unless there is a satisfaction beyond reasonable doubt that only one man has done it.

3. Dismissed.