
(2000) 03 JH CK 0001

In the Jharkhand High Court

Case No : CWJC No. 7398 of 2000 (Patna)

Rajendra Prasad Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 12-03-2000

Acts Referred:

Citation : (2000) 03 JH CK 0001

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Judgement

S.J. Mukhopadhaya, J.—The writ petition was preferred by the petitioner for direction on the respondents to pay salary and other admitted dues including Bonus etc.

2. The case of the petitioner is that he was posted as a Warder in the Sub Jail, Jamtara and superannuated on 30th June, 1995 from the said post.

3. Certain allegations were levelled against him on the basis of which he was compulsorily retired. The order of compulsorily retirement was challenged by the petitioner in CWJC No. 3251 of 1990, which was set aside by a Bench of the Court vide judgment dated 17th December, 1990. Liberty was given to the respondents to initiate a departmental proceeding and thereafter, a proceeding was initiated and the petitioner was dismissed from service.

4. Against the order of dismissal, the petitioner preferred CWJC No. 6357 of 1994, which was allowed by the Court, vide judgment dated 30th March, 1995. However, liberty was given to the disciplinary authority either to direct the Enquiry Officer to hold a proper enquiry or to nominate any competent person for holding a departmental proceeding, for giving opportunity of leading evidence. The authorities were also directed to accept the joining of the petitioner which was accepted and petitioner subsequently superannuated on 30th June, 1995.

5. Further case of the petitioner is that in similar case of one Bodh Narayan

Singh who was also compulsorily retired and was reinstated, benefits have been allowed in CWJC No. 8830 of 1989. The petitioner made aforesaid averments but not attached the copy of the judgment passed in CWJC No. 3251 of 1990. What was the term fixed by the Court in reinstating the petitioner has not been stated.

6. In the aforesaid background, as it appears that the petitioner has already represented the matter before the Superintendent, Special Central Jail, Bhagalpur on 3rd June, 2000, he is given liberty to pursue the representation before the competent authority. If any fresh representation is preferred before the I.G., Prison, Bihar, Patna giving details of the orders of compulsory retirement; dismissal; his reinstatement as made by one or other orders of the Court and enclose copies of the judgments/orders, as passed in his case, the I.G. Prison, Bihar, Patna will determine as to what salary the petitioner will be entitled during the intervening period during which he was forced to remain out of service, within four months from the date of receipt of representation,

7. The writ petition stands disposed of.