

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.9494/2003

(From the judgement and order dated 23/01/2002 in LPA 922/01
of The HIGH COURT OF PATNA)

BHUPENDRA PRASAD SINGH

Petitioner (s)

VERSUS

BIHAR STATE ELECTRICITY BOARD AND ORS.

Respondent (s)

(With Appln(s). for c/delay in filing SLP and exemption from
filing O.T. and Office Report)

Date : 10/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s) Mr. Jitendra Sharma,Adv.
Mr. Ambhoj Kumar Sinha,Adv.
Mr. P.N. Jhan,Adv.For Respondent (s)
Mr. S.B. Upadhyay,Adv.UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

The main grievance raised in this petition is that the petitioner was disallowed the assistance of an ex-employee during the departmental inquiry, though the certified standing orders place no such restriction and permit a member of the Committee also to assist the delinquent in the inquiry proceedings. The Resolution said to be passed by the Board that an ex-employee will not be permitted to assist a delinquent official during the proceedings, is not a certified standing order. Hence it has no sanctity or binding force.

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It is further submitted that the High Court erred in holding that the resolution of the Board is not arbitrary or does not affect the right of charged officer to properly defend himself. It is submitted that the decision of the Board is against the certified standing orders and it is unjust.

Learned counsel for the respondents submits that the inquiry has been completed and an order of punishment has already been passed dismissing the petitioner from service. Learned counsel for the petitioner submits that the order of dismissal has already been challenged before the appropriate forum. That being the position, we feel this petition is rendered infructuous. It will, however, be open for the petitioner to raise the same ground as raised in this petition and while considering the said ground the order passed by the High Court, which has been impugned in this petition, shall not come in the way of the petitioner and the concerned court/authority shall consider its merits independently.

The special leave petition stands finally disposed of having become infructuous, with the observations made above.

(A.S. BISHT) (KANWAL SINGH)
COURT MASTER

COURT MASTER