

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7166 of 2007

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Arun Kumar Singh, son of late Ramsharan Singh, resident of Village Pagra,
P.S. Dalsingsarai, Dist. Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Urban Development Dept., Patna, Bihar.
2. Nagar Panchayat, Dalsingsarai through its Executive Officer, Dalsingsarai, Dist. Samastipur.
3. Chairman, Nagar Panchayat, Dalsingsarai, Dist. Samastipur.
4. The Executive Officer, Nagar Panchayat, Dalsingsarai, Dist. Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. K.N. Singh, Sr. Adv. Mr. Dharmesh Kumar, Adv. Mr. Amrendra Nath Biswas, Adv.
For the Res. No.4	:	Mr. Dhruv Narayan, Sr. Adv. Mr. O.P. Agarwal, Adv.
For the State	:	Mr. Subodh Kumar Mishra, AG to GP-7

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

11 03-08-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner is aggrieved by an order of punishment dated 29.3.2007 passed by Nagar Panchayat, Dalsingsarai, Samastipur and that against such order, there was an statutory appeal in terms of the earlier Bihar and Orissa Municipal Act, 1922 and the rules framed therein vide State Government Notification No. S.O. 95 dated 25.6.1977 under the caption "Rules applicable to Officers and Servants of Municipalities and Notified Area Committees" clearly lay down that an appeal against the order of removal from service,

dismissal, and reduction in rank or pay shall lie before the State Government or any officer authorized in this behalf by the State Government, this Court, on a preliminary objection raised by Mr. Dhruv Narayan, senior counsel for the respondent Nagar Panchayat, will have to hold the present writ application is not maintainable in absence of appeal filed by the petitioner.

This writ application, however, has remained pending since 31.5.2007 and, therefore, if the petitioner files an appeal within a period of one month from the date of receipt of this order, the appeal of the petitioner shall be disposed of on merit by the appellate authority without non-suiting him on the ground of delay/limitation.

With the aforementioned observation, this application is disposed of.

(Mihir Kumar Jha, J)

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