

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12466 of 2014

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Lalita Singh, son of late Raj Govind Singh, resident of Village + P.O. Dalsagar,
P.S. – Buxar Industrial Area, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar.
2. Commissioner, Patna Division, Patna, Bihar.
3. Shri Raman Kumar, Present District Magistrate, Buxar, District – Buxar.
4. Bino Singh Gunjari, the then District Magistrate, Buxar, Bihar.
5. Sub-Divisional Officer, Dumraon, Buxar, Bihar.
6. Block Development Officer, Kesath, PS – Nawanagar, District – Buxar, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalita Singh (In Person)

For the Respondent/s : Mrs. Nutan Sahay, AC to GA5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-09-2015

Petitioner is the erstwhile employee of Buxar Collectorate.

He was holding the substantive post of a Peon. For certain acts of omission and commission, a departmental proceeding was initiated and he came to be dismissed from service on 29.10.2001. He filed CWJC No. 16197 of 2001 challenging the order of dismissal, which finally came to be heard and decided on 20th July, 2009. The order in question is annexed as Annexure-3 to the writ application.

2. The learned Single Judge after going into the nitty-gritty of the submission noticed the history of the dispute in question and opined that the petitioner had right of appeal which he had not exhausted as well as the fact that there were certain discrepancies of



technical kind which made the order of dismissal vulnerable. The order of dismissal was set aside. Petitioner was treated to have been placed under suspension as he was earlier. Except for subsistence allowance; he would not be entitled to any other benefit till a fresh decision was taken by the Collector, Buxar.

3. It seems that the Collector, Buxar, dismissed the petitioner again by another order dated 24.09.2010, against which he filed Service Appeal No. 82/2011 before the Divisional Commissioner, Patna. The Divisional Commissioner after hearing the appeal decided the matter on 01.04.2013. He set aside the order of dismissal of the petitioner giving a direction upon the District Magistrate that the petitioner would be given a second show-cause along with the necessary documents etc. and decide the matter afresh. Petitioner in the meantime decided to file the present writ application, which was registered on 22.7.2014.

4. The State has filed a detailed counter affidavit tracing the history of the dispute, the circumstances under which the decisions in the past against the petitioner came to be taken and various rounds of litigations initiated by the petitioner and have also annexed the order passed by the District Magistrate, Buxar, on 17.7.2014, which is a detailed order passed again by the District Magistrate, taking into consideration the observation made by the High Court in CWJC No.

16197/2001 as well as the order of the Divisional Commissioner. The fresh order of dismissal is Annexure –F to the counter affidavit of the State.

5. We are back to square one. There is a fresh order passed by the District Magistrate, Buxar, which is a rather detailed order tracing the entire history, the charges, the evidences, the show-cause of the petitioner etc. which culminated into the order of dismissal being passed against the petitioner again.

6. There is no reason why this Court will entertain the writ application at this juncture because the petitioner should move the appropriate authority in appeal and exhaust the remedy provided therein against the order contained in Annexure-F dated 17.7.2014.

7. Writ application is dismissed with liberty as above.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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