

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3090 of 2014

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1. Kaushal Kumar Prasad S/O Late Anjani Kumar Prasad R/O Sheo Shankar Complex Near Shashi Complex, Exhibition Road, P.S- Kotwali, Distt- Patna.

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Social Welfare Department, Patna (Bihar)
2. The Divisional Commissioner, Patna Division, Patna
3. The Director IcDs, Patna.
4. The Joint Secretary Social Welfare Department, Patna.
5. The Deputy Secretary, Social Welfare Department, Patna.
6. The Joint Director (Head Office), Social Welfare Department, Patna.
7. The It Manager Social Welfare Department Patna.
8. District Magistrate, Gaya.
9. The Accountant General Patna, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha, Advocate

For the Respondent/s : Mr. A.K.Sinha, GA-1.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 09-11-2016 Heard Mr. Rajendra Nath Sinha, learned counsel for the petitioner and learned Assistant Counsel to GA-1 for the State.

The petitioner has preferred this writ petition questioning the order dated 26.07.2012 passed by the State Government whereby the petitioner has been inflicted 3 punishments namely: (a) Reduction in pay scale; (b) stoppage of increments for next five years; and (c) restriction of pay and allowances to the subsistence allowance drawn by him during the suspension period. A copy of such order is impugned at

Annexure-1. While making such challenge, the petitioner in paragraph-22 has also stated that he filed an appeal before the appellate authority on 26.11.2012 but which has not been disposed of.

This statement of the petitioner made in paragraph-22 of the writ petition is admitted by the respondents in paragraph-5 of the counter affidavit where they admit that the appeal is yet pending.

It is rather surprising that an appeal preferred almost four years back by the petitioner who has since superannuated, remains pending and the appellate authority has slept over the matter.

In the circumstances discussed and for the present, I deem it proper to dispose of the writ petition with a direction to the appellate authority to consider the appeal preferred by the petitioner and dispose of the same in accordance with law with an opportunity to hearing to the petitioner, expeditiously and preferably within three months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

B.Kr./-

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