

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11491 of 2016

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Binay Kumar, son of Late Ram Nagina Prasad, Resident of Village- Neel Kothi, P.O. and P.S. Dehri-on-Sone, District- Rohtas at Sasaram, Presently Working as Assistant Engineer, National Highway, Design and Quality Control Circle No.1, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Road Construction Department of Bihar, Patna.
3. The Engineer -in- Chief -cum- Additional Secretary -cum- Special Secretary, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, National Highway Wing, Road Construction Department, Patna.
5. The Deputy Secretary (Vigilance), Road Construction Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate
Mr. Ravi Ranjan, Advocate

For the Respondent/s : Mr. Rajesh Kumar, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 05-09-2016 Heard the parties.

The petitioner is aggrieved by the order of the State Government bearing Memo No.5868 dated 2.7.2014, whereby the petitioner has been visited with the penalty of stoppage of two annual increments with non-cumulative effect.

It is stated in paragraph 14 of the writ petition that an appeal has been filed against the order of penalty on 30.7.2014 and which has remained pending before the State Government. This position has been admitted at paragraph 11 of the counter affidavit and the respondents do agree that the appeal under rule

23 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Rules') as amended from time to time is under consideration.

Rule 24 of 'the Rules' specifically provides that there shall be no appeal against the orders of the Government, however, review in the form of memorial may be filed. It is in view of such stipulation that a review application in the form of appeal has been filed by the petitioner vide Annexure-5 which is admitted by the respondents that the same remains pending at the level of the State Government.

Having heard the parties and considering that the review application remains pending with the State Government as admitted in paragraph 11 of the counter affidavit, I deem it fit and proper to dispose of the writ petition with a direction to the Chief Secretary to take appropriate steps for disposal of the review application present at Annexure-5 to the writ petition within a period of three months from the date of receipt/production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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