

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17069 of 2007

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RAJA MIAN, SON OF MOHAMMAD JALLALUDDIN MIAN, RESIDENT OF
VILLAGE AND POST OFFICE BARAON KALA, POLICE STATION AKORHI
GOLA DEHRI, DISTRICT ROHTAS Petitioner

Versus

1. THE STATE OF BIHAR THROUGH THE SECRETARY CUM COMMISSION,
MINOR IRRIGATION, GOVERNMENT OF BIHAR, PATNA
2. THE SECRETARY CUM COMMISSION, MINOR IRRIGATION, GOVERNMENT
OF BIHAR, PATNA
3. THE CO-ORDINATOR, MINOR IRRIGATION(TUBEWELL DIVISION), BIHAR,
PATNA
4. THE JT. SECRETARY , DEPARTMENT OF MINOR IRRIGATION,
GOVERNMENT OF BIHAR, PATNA
5. THE DEPUTY SECRETARY, MINOR IRRIGATION, GOVERNMENT OF
BIHAR, PATNA
6. THE CHIEF ENGINEER NORTH TUBEWELL SECTION, MUZAFFARPUR,
DISTRICT MUZAFFARPUR
7. THE SUPT ENGINEER, TUBE WELL DIVISION, MUZAFFARPUR
8. THE EXECUTIVE ENGINEER TUBE WELL DIVISION, HAJIPUR
9. THE DISTRICT MAGISTRATE, BUXAR
10. THE EXECUTIVE ENGINEER TUBE WELL DIVISION, BUXAR
11. THE BLOCK DEVELOPMENT OFFICER, DUMRAON, BUXAR

.... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Nikesh Kumar, Advocate
Mr. Nawnit Kumar Tiwary, Advocate

For the Respondent/s : Mr. (Aag2)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

9 04-01-2016 The petitioner has prayed for quashing of order of
punishment contained in letter dated 29.8.2005.

The petitioner was appointed as Junior Engineer in the
Irrigation Department on 7.2.1979 and was deputed to the Bihar
State Construction Corporation, Mohamad Ganj at Palamu, since
then he was transferred to various places. In the year 1993.
petitioner was posted as Junior Engineer in the Tube well
Division, Buxar and then transferred to the Zone of chief

Engineer, Tube Well Wing, Muzaffarpur vide departmental order dated 20.7.1999. Case of the petitioner is that respondents have made allegation that he did not submit his charge at Buxar. Thereafter, he was departmentally proceeded and finding of guilt was recorded against him. He was awarded three punishments, namely, (i) punishment of censure in the year 2002-03 (ii) stoppage of three increments with cumulative effect and (iii) he would not be entitled to any payment other than subsistence allowance.

Being aggrieved, the petitioner filed representation/appeal before the State Government which too was rejected primarily on the ground that the same has been filed after delay of one and a half years, though it was also observed in the order that no case has been made out for interference.

In my view, as the appellate authority is the final forum of law and facts, the petitioner may be granted a chance to place his case on deposit of cost of Rs.500/-. In case, any such appeal is filed along with petition for condonation of delay, the appellate authority would sympathetically condone the same on deposit of the said amount.

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(Samarendra Pratap Singh, J)