

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.178 of 2016

(Arising out of order dated 8.2.2016, passed in C.W.J.C.No. 6683 of 2013)

Kamlesh Singh Son Of Late Shiv Bahal Singh Resident Of At + P.O.- Sinha
Ghat, P.S.- Krishnagarh, District- Bhojpur, At Present Sr. Dy. Collector,
East Champaran, Motihari Petitioner

Versus

1. The State Of Bihar Through Principal Secretary, General Administration, Government Of Bihar, Patna
2. The Principal Secretary, Rural Development Department, Government Of Bihar, Patna
3. The Deputy Secretary, General Administration, Government Of Bihar, Patna
4. The Additional Secretary, General Administration, Government Of Bihar, Patna
5. The Commissioner, Darbhanga
6. The District Magistrate, Madhubani
7. The Secretary, Bihar Public Service Commission, Bailey Road, Patna

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, advocate and
Mr Prabkakar Singh, Advocate

For the Respondent/s : Mr. Subhas Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 22-06-2016

The instant review application has been filed for reviewing order dated 8.2.2016, passed in Civil Review No.6683 of 2013. The petitioner was proceeded for two charges and was awarded punishment of (a) stoppage of three increments with cumulative effect and (b) bar on promotion for five years from due date of promotion. This Court, on consideration of materials on record held that charge no.1 is not proved, whereas charge no.2 is only partially proved. As such, it interfered with the quantum of punishment and remanded the matter to the disciplinary authority

for fresh consideration of quantum of punishment in light of observations made therein. Learned counsel submits that this Court while passing order had consequently set aside order of punishment as well. He submits that in any view of the matter, order of punishment ought to have been set aside, as this Court interfered with the same.

I find substance in the submission of learned counsel for the petitioner. The review application is allowed to the extent that the impugned order of punishment too stands set aside and respondents would take appropriate decision in light of observations made in paragraph 7 of the order, dated 8.2.2016, passed in C.W.J.C.No. 6683 of 2013.

(Samarendra Pratap Singh, J)

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