

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18072 of 2015

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Ambika Choudhary, son of Late Bhadai Choudhary, resident of Village-Karmaini Khurd, P.O.- Maidhara, P.S.- Bikramganj, District- Rohtas (Sasaram), at present Choudhary Residency, Kusumpuram Colony near Leeds Asian School, Bailey Road, P.O.- Danapur Cantt., District Patna 801503.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Government of Bihar, Patna.
2. The Joint Secretary to the Government, Bihar, Patna.
3. The Special Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Superintending Engineer-cum-Conducting Officer, Drafting Bridge, Rural Works Department, Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Works Circle, Sasaram, Bihar.
6. The Executive Engineer, Rural Works Department, Works Division-2 Ara, Bihar, Patna.
7. The Assistant Engineer cum Presenting Officer, Rural Works Division-2, Ara, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.

For the Respondent/s : Mr. Sanjay Kumar, AC to GA13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 21-12-2016 Heard Mr. Umesh Kumar Mishra, learned counsel appearing for the petitioner and Mr. Sanjay Kumar, AC to GA-13 for the State.

The petitioner is aggrieved by the order bearing Memo No. 7708 dated 3.5.2012 issued by the Joint Secretary of the Government of Bihar, Patna, whereby the punishment of censure for the period 2010-11 has been imposed, effective for three years i.e. 2011-12, 2012-13 and 2013-14 and two increments have been



withheld with cumulative effect.

Although the petitioner has made statement in paragraph 21 of the writ application that he had filed a representation against the punishment order but the copy thereof is not on record. In any view a representation cannot take the form of a statutory appeal.

The writ petition has been filed after three years of passing of the order of punishment and eleven months after the superannuation of the petitioner in January, 2015. Suffering from gross laches and delay and for the failure of the petitioner to avail of the alternative remedy so available to him, the writ petition is dismissed.

(Jyoti Saran, J)

Surendra/-

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