

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1900 of 2016
IN
Civil Writ Jurisdiction Case No. 1161 of 2016**

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1. Satish Kumar Singh Son of late Kailash Singh resident of Village- Naya tola Saristabad, Azad Path, A/14 , P.S. Gardanibagh, District Patna.

.... Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural works Department, Government of Bihar.

.... Respondents

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Appearance :

For the Appellant : Mr. Sanjeev Kumar Mishra, Advocate
For the Respondents : Mr. Ravindra Kumar, AC to AAG6

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 07-12-2016

Heard learned counsel for the parties.

The order dated 17th of September, 2016 passed by the learned Single Bench of this Court in C.W.J.C.No. 1161 of 2016 is subject matter of challenge in the present Letters Patent Appeal. The writ application was directed against the initiation of a departmental proceeding and also there was challenge to suspension order. But during the pendency of the writ application, an order of punishment has been passed on 25th of January, 2016. The appellant challenged the said order by way of interlocutory application. The learned Single Bench of this Court disposed of the writ application with liberty to the



appellant to exhaust the alternative remedy of appeal against the order of punishment.

Learned counsel for the appellant contends that remedy of appeal would not be efficacious remedy inasmuch as the departmental proceeding has been initiated at the instance of the Appellate Authority. Without examining the question as to whether the appeal would be an effective remedy or not, we dispose of the present appeal with liberty to the appellant to avail such remedy as is available to the appellant in accordance with law against the order of punishment as the order of punishment cannot be permitted to be disputed by an interlocutory application. Such order in fact confers fresh cause of action.

The Letters Patent Appeal including the writ application is disposed of.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

A.I./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2016
Transmission Date	

