

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1838 of 2016

IN

Civil Writ Jurisdiction Case No. 14398 of 2015

- =====
1. The State of Bihar through the Principal Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
 2. The Principal Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
 3. The Deputy Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
 4. The Chief Engineer, Public Health and Engineering Department, Government of Bihar, Patna.
 5. The Regional Chief Engineer, Public Health and Engineering Range, Patna.
 6. The Superintending Engineer, Public Health Engineering, Division (Anchal) Arrah.
 7. The Executive Engineer, Public Health Pramandal, Aurangabad.
 8. The Assistant Engineer, Public Health Pramandal, Navinagar, Aurangabad.

.... Appellant/s

Versus

1. Manoranjan Kumar S/o Late Bhagwan Das, Resident of Mohalla- Lalji Tola, Police Station- Gandhi Maidan, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Ranjan, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-07-2017

Apart from the fact that there is an unexplained delay of 239 days in filing of this appeal filed by the State Government against an employee who was punished with dismissal from service on account of unauthorized leave, by the impugned order passed, the matter has been remanded back to the Government by the learned



Writ Court for considering imposing of a lesser punishment on account of the fact that the employee was undergoing treatment for mental disorder at Ranchi and considering the fact that there is no allegation of moral turpitude, misconduct or misbehaviour and the allegation is only of unauthorized absence due to mental disorder of the employee, the learned Writ Court found the punishment to be too harsh and recommended for re-consideration of the matter for awarding a lesser punishment under the prevalent Rules and, in our considered view, exercising the discretion in the manner done is not so grave in nature that indulgence by this Court in the order is called for.

The appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
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