

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1256 of 2016

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1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna Old Secretariat, Patna
 2. The Commissioner, Bhagalpur Division, Bhagalpur.
 3. The Deputy Commissioner, (Establishment), Bhagalpur.
 4. The District Magistrate, Bhagalpur Collectorate, Bhagalpur.
 5. The Senior Officer, District Development Branch, Bhagalpur.
 6. The Block Development Officer, Pirpainti, Bhagalpur.

.... Appellant/s

Versus

1. Radhe Shyam Thakur age 45 year Son of Late Rameshwar Thakur Resident of Village- Jonim Phulwara, P.O.- Baijani, P.S.- Jagdishpur, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anjani Kumar, AAG-4
Mr. Amit Jha, 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: 23-08-2017

Delay of 22 days in filing of the appeal is condoned and

I.A. No.5027 of 2016 is allowed and disposed of.

In the matter of imposition of punishment of stoppage of two increments with cumulative effect on account of one day's absence by a Class IV employee, the learned Writ Court has interfered into the matter and having considered the submissions made, we see no reason to make any indulgence into the matter. However, the observations made by the learned Writ Court that



confirmation of the period of suspension is not a punishment contemplated under Rule 14 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 is left open to be decided in an appropriate case as prima facie we have reservation with regard to this observation as this does not seem to be correct.

We, finding no interference to be made into the matter, dispose of the matter leaving the legal question of interpretation of Rule 14 of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 with regard to confirmation of the period of suspension open, to be considered in an appropriate case.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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