

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8824 of 2014

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1. Bibi Hamida Khatoon Wife of Md. Quasim
2. Md. Quaisar Alam
3. Md. Kunain Kashmi
4. Md. Hashnain Kashmi
5. Md. Jinnurain Kashmi All Sons of Md. Quasim
6. Bibi Nusrat Begam
7. Bibi Gulsanwar
8. Bibi Nishat Begam
9. Bibi Noori Begam All daughter of Md. Quasim All resident of Damka, P.S. Sadar, District- Purnea,.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary Department of Revenue and Land Reform, Government of Bihar, Patna.
2. The District Officer, Katihar.
3. The Senior Deputy Collector, District Establishment, Katihar.
4. The Additional Collector, Katihar.
5. The Circle Officer, Hasanganj, Katihar.
6. The Treasury Officer, Katihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Respondent/s : Mr. GA9- A.K. SINHA

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 12-09-2017

Heard both sides.

2. The original petitioner has filed this writ petition against the order dated 14.3.2014 as contained in Memo No.463 issued under the signature of District Officer, Katihar by which 25% of pensions of the petitioner (now deceased) has been withheld for three years.

3. At the outset of the argument, it has been pointed out that the petitioner has not availed statutory appeal against the order of Disciplinary



Authority, the Collector. During the pendency of this writ petition, the original petitioner died and his legal heirs, i.e., his wife and children were substituted in place of the petitioner Md. Quasim (now deceased).

4. Learned counsel for the petitioners submits that the original petitioner was suspended on 14.8.2012 but charge was served on him vide order dated 21.2.2013. The suspension of the petitioner Md. Quasim (now deceased) was revoked with effect from 31.1.2013, i.e., the date on which the petitioner retired and the departmental proceeding was ordered to be continued.

5. Considering the facts, I dispose of this writ petition with a direction to the petitioners to prefer appeal before the Commissioner, Purnea within one month from today and thereafter, the Commissioner shall dispose of the appeal of the petitioners within two months thereafter. The Commissioner, Purnea shall dispose of the appeal of the petitioners on merit without un-suiting the petitioners on the ground of laches of limitation and pass order within two months thereafter.

6. Accordingly, this writ petition stands disposed of.

(Prabhat Kumar Jha, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
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