

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20790 of 2010

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Pradeep Kumar, son of Late Sukhdeo Prasad, R/o Village Jhauwari, P.S. Bonmankhi, District Purnea. Presently posted as an assistant in the Prakhand Baisi Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. The Members, Board of Revenue, Patna
3. The Commissioner, Purnea Division, Purnea
4. The District Magistrate, Purnea
5. The Sub-divisional Officer, Purnea Sadar
6. The Circle Officer Barhara Kothi, Purnea
7. The Circle Officer Srinagar, Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Bahauddin, Advocate

For the Respondent/s : Mr. Ravinder kr. Chaubey GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 10-08-2017

This petition was filed on 22.12.2010. It is listed today for the first time and when the matter is taken up none appears for the petitioner.

On perusal of the records, it is seen that challenging the order Annexure 5 dated 3.9.2004 passed by respondent No.4 imposing punishment of stoppage of two increments with cumulative effect and confirming the period of suspension by holding that the petitioner shall not be entitled to any further benefit except subsistence allowance already paid to him, the writ petition was filed and the grievance raised in the writ petition goes to show that the Enquiry Officer having exonerated the petitioner of the charges



levelled, the disciplinary authority could not disagree with the same without affording an opportunity to the petitioner to give show cause. That apart, it is seen that the appeal filed by the petitioner was dismissed by the Appellate Authority on account of delay of fourteen months and the review application was also dismissed.

Even though the petitioner makes out a statement that the Enquiry Officer has exonerated the petitioner, but the fact is that he has made recommendation for only issuing a warning to the petitioner and letting him off.

Be that as it may, the fact remains that when the matter is taken up today, none appears for the petitioner and on petitioner's own showing, the appeal filed by the petitioner has not been decided on merit. Even though vide order dated 20th of July, 2006 the Commissioner, the appellate authority, dismissed the appeal on grounds of delay and review application was also dismissed on 28.2.2007 i.e. more than three years prior to the filing of the writ petition.

Considering the fact that the appeal has not been decided on merits, it is directed that on the petitioner filing a certified copy of the order along with relevant documents and grounds for delay, the Appellate Authority namely, Commissioner, Purnea, respondent No.3 shall proceed to decide the appeal on merit in



accordance with law and shall not reject it on the ground of delay.

The petitioner shall file an appeal within two months from the date of receipt/production of a copy of this order.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

