

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7352 of 2016

Binod Kumar Son of Late Ram Shankar Ojha Resident of Village+Post-Khabra, P.S.- Sadar, District- Muzaffarpur. (Presently posted as excise clerk in the office of superintendent of excise samastipur, district- samastipur).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Excise and Prohibition Department, Government of Bihar.
2. The Commissioner of Excise cum Secretary, Excise and Prohibition Department, Government of Bihar
3. The Excise Commissioner Bihar Patna
4. The Deputy Commissioner Excise Bihar Patna
5. The Excise Superintendent Gopalganj District Gopalganj.
6. The Excise Superintendent Samastipur District Samastipur.
7. The Deputy Commissioner Excise cum Conducting Officer Tirhut cum Saran Division Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Prakash Sharma, Advocate
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-09-2017 In the present writ application, the following reliefs have been sought for on behalf of the petitioner.

“(i) For issuance of an appropriate writ in the nature of CERTIORARI quashing the order contained in memo no.45 dated 05.01.2016 whereby the petitioner has been imposed with major penalty of stoppage of three increments with cumulative effect disproportionate to the charges proved further without appreciation of the facts of the case and in violation of natural justice.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS directing the



respondent to pay the petitioner full salary of the period of suspension in view of the fact that the departmental proceeding against him has been put to rest finally without dealing with the period of suspension in the order dated 05.01.2016.”

The petitioner is directed to prefer an appeal in terms of Rule 23 of Bihar CCA Rules, 2005 within a period of 45 days before the competent authority. The competent authority shall dispose of the appeal within a period of six months from the date of filing of such appeal.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

Narendra/-

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