

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1485 of 2013

=====

1. The State Of Bihar through Chief Secretary, Govt. Of Bihar, Patna
2. The Commissioner, Magadh Division, Gaya
3. The District Magistrate, Gaya
4. The Sub Divisional Officer, Sherghati, District- Gaya
5. The Circle Officer, Nagar Anchal, Gaya
6. The Circle Officer, Barachatti Anchal, P.S. Barachatti, District- Gaya

.... Appellants

Versus

Dhananjay Kumar Suman Son Of Late Bhagirath Singh Resident Of Village-
Gapha Khurd, P.S.- Bodh Gaya, District- Gaya, At Present Working On The Post
Of Upper Division Clerk In Anchal (Circle) Office, Guraru, District- Gaya

.... Respondent

=====

Appearance :

For the Appellant/s : Mr. ABHINAY RAJ
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 27-02-2017

The matter is taken up first with regard to delay in filing the appeal of one year and 270 days. The so-called explanation offered is nothing but routine departmental exercise, which does not satisfy the Court about the bonafide of explanation offered. Therefore, I.A. No. 8199 of 2013 is required to be dismissed.

The matter was also examined by the Division Bench with regard to the merit. The finding of the learned single Judge, after verification of the original record, was that no departmental enquiry or procedure at all was followed before imposition of punishment by the disciplinary authority and affirmance of the same



by the appellate authority. Since an unknown procedure in law was adopted for conducting the departmental proceeding if at all there was one, quashing of the order of punishment was the only answer.

Such frivolous appeal, therefore, should have been dismissed with cost for wasting judicial time and resources. The appeal is required to be dismissed and is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.02.2017
Transmission Date	N/A

