

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5355 of 2011

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RAJ KESHWAR SINGH S/O LATE INDRA DEO SINGH RESIDENT OF
VILLAGE- POINWA, P.S- AURANGABAD (M), DISTRICT-
AURANGABAD.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY,
BUILDING CONSTRUCTION DEPARTMENT, GOVT. OF BIHAR,
PATNA.
2. THE CHIEF ENGINEER, BUILDING CONSTRUCTION DEPARTMENT,
GOVT. OF BIHAR, PATNA.
3. THE SUPERINTENDING ENGINEER, BUILDING CONSTRUCTION
DEPARTMENT BUILDING CIRCLE, GAYA.
4. EXECUTIVE ENGINEER, BUILDING DIVISION, JEHANABAD CUM
ENQUIRY OFFICER.
5. EXECUTIVE ENGINEER, BUILDING DIVISION, AURANGABAD.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma
For the Respondent/s : Mr. AWDHESH KUMAR PANDEY GA9

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 06-10-2017

Challenging an order dated 19.5.2010 by which the petitioner has been visited with a punishment of stoppage of one increment with cumulative effect, this writ petition has been filed. Petitioner was posted in the Building Division, Aurangabad as an Accounts Clerk and in the construction of Mandal Kara, Aurangabad, on the basis of a vigilance enquiry conducted by the office of the Chief Minister, departmental proceedings were held against the petitioner and, based on the finding recorded in the departmental proceeding, impugned action has been taken.



Today, during the course of hearing of the writ petition, learned counsel for the petitioner brings to the notice of this Court an order passed by the Department on 10.1.2012 whereby another similarly situated Accounts Clerk, namely one Shri Niranjana Prasad Sinha, who was also proceeded against and the punishment of stoppage of increment was imposed on 8.12.2009, has been exonerated of the charges and petitioner claims similar benefit. Even though such a prayer is made at the time of hearing today, it is seen that the order in the case of Shri Niranjana Prasad Sinha was passed after filing of the writ petition and there is no averment in the writ petition with regard to the benefit granted to Shri Niranjana Prasad Sinha.

Keeping in view the aforesaid, it is directed that in case the petitioner prefers an appeal before the competent Appellate Authority, apart from the grounds raised in the writ petition, in case he points out the benefit granted to Shri Niranjana Prasad Sinha, as is detailed above, and claims parity with Shri Niranjana Prasad Sinha, the Appellate Authority shall consider the grievance of the petitioner and decide his appeal by a speaking order after adverting to the benefit granted to Shri Niranjana Prasad Sinha. In case it is found that both are identically situated, similar benefit, as has been granted to Shri Niranjana Prasad



Sinha, be extended to the petitioner also. In case the authority finds that both are not at par, it shall be incumbent upon the authority to record reasons for the same and communicate to the petitioner.

Entire exercise, on the petitioner filing a certified copy of this order along with a detailed appeal, to be completed by the authority within three months from its presentation.

(Rajendra Menon, CJ)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	9.10.2017
Transmission Date	

