

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11425 of 2015

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Rajendra Singh Son of Late Khobhari Singh resident of village - Dumra (Bhumihar Tola), P.O. Dumrao, via - Kishanpura, P.S. - Jamo Bazar, District - Siwan, retired Senior Account Clerk, Ganga Bridge Project, Road Construction Department, Govt. of Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer-in-Chief-Cum Additional Commissioner Cum Special Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Ganga Bridge Project (Wing), Road Construction Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, Design-Cum-Mechanical Circle, Ganga Bridge Project, Road Construction Department, Bihar, Patna.
5. The Executive Engineer, Ganga Bridge Project Division, Gulzarbagh, Patna - 7.
6. The Technical Advision Design-Cum-Mechanical Circle, Ganga Bridge Project, Road Construction Department, Patna - 15.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Madhusudan Kumar, Advocate
For the State/s	:	Mr. Rishi Raj Sinha, SC-19
		Mr. Akhilesh Kr. Sinha, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-09-2017 In the present writ application, the following relief has been sought for on behalf of the petitioner.

“1. That the prayer in this writ petition is to quash the Sanchika No.Ga.Pu.Pari-6-13/2008-169 dated 12.5.2015 issued by the Chief Engineer, (Respondent No.3) by which the increment of the petitioner has been withheld saying that the petitioner has not discharged his duty because he has retired during the period of suspension



though the petitioner has been twice punished i.e. (Firstly) Rupees 82,105/- has been deducted from his leave encashment salary without non serving of enquiry report prior to this punishment which is against the natural justice and just after two months second punishment was given that is full salary of the petitioner during the period of suspension (29.5.2008 to 31.7.2008) has not been given.

Apart from this the third punishment is being given saying that the increment will not be given because this very increment is also the part of that very two punishment one increment is due on 1.7.2008.”

Considering the relief sought for on behalf of the petitioner, the petitioner is directed to file an appeal before the Respondent No.1 i.e. The Principal Secretary, Road Construction Department, Government of Bihar, Patna within a period of 45 days. The Respondent No.1 shall consider the appeal filed on behalf of the petitioner and dispose of the same passing a reasoned order in accordance with law within a period of five months from the date of filing of such appeal.

It has further been pointed out on behalf of the petitioner that the provisions of Rule 11 of Bihar C.C.A. Rules, 2005 and



Rule 83 of the Bihar Service Code have not been complied with.

Hence, the order under challenge is bad in the eye of law.

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

(Sudhir Singh, J)

Narendra/-

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