

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10579 of 2016

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Jitendra Kumar Son of Late Sidhnath Prasad, resident of Village + P.O.- Gopalpur,
P.S. Belchhi, Dist- Patna. Presently residing at Village- Sisauna, P.O.+ P.S.-
Jokinat Araria, Dist- Araria.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Govt.- of Bihar, Patna.
3. The Engineer-in-Chief -cum- Special Secretary, Public Health Engineering Department, Bihar, Patna.
4. The Chief Engineer (Mechanical), Public, Health Engineering Department, Bihar, Patna.
5. The Superintending Engineer, Public Health Engineering Circle, Purnea.
6. The Executive Engineer, Public Health Division, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siyaram Pandey5, Advocate

For the Respondent/s : Mr. Kumar Pankaj, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 07-02-2017

Heard Mr. Siyaram Pandey, learned counsel appearing for
the petitioner and Mr. Kumar Pankaj, AC to SC-5 for the State.

The petitioner is aggrieved by the final order passed in the
disciplinary proceedings by the Executive Engineer, Public Health
Division, Araria bearing Memo No.751 dated 14.9.2015, a copy of
which is impugned at Annexure18 to the writ petition, whereby two
penalties have been imposed on the petitioner under section 14(1) of
the Bihar Government Servants (Classification, Control and Appeal)
Rules, 2005 (hereinafter referred to as 'the Rules'), namely:

(a) Censure; and

(b) The period 27th and 28th of June, 2016 and 24th and 25th of
January, 2015 has been treated to be leave without pay.

However, there would be no break in service.



Though Mr. Pandey, learned counsel appearing for the petitioner endeavours to question the order on merits but he does admit to the submission of Mr. Pankaj, learned State Counsel that an appeal against the order of penalty is pending before the Superintending Engineer, the respondent no.5, who is the Appellate Authority.

Having heard learned counsel for the parties and in view of the undisputed position where the punishment order dated 14.9.2015 is pending consideration in appeal before the Superintending Engineer, Public, Health and Engineering Circle, Purnea, I deem it proper to dispose of the writ petition with a direction to the Superintending Engineer to consider and dispose of the appeal filed by the petitioner in accordance with law and after due opportunity of hearing to the petitioner expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order.

I deem it necessary to qualify that I have not expressed any opinion as regarding the merits of the case and the petitioner thus shall be at liberty to raise all issues as raised herein, before the Appellate Authority.

The writ petition is accordingly disposed of.

(Jyoti Saran, J)

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