

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3344 of 2016

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Ramagya Singh Son of late Ramprit singh Resident of Mohalla- Nehru
Nagar, P.s Patliputra ,District Patna.

.... Petitioner

Versus

1. The Patna Municipal Corporation, through its Municipal Commiossoner, Maurya Lokn Complex, Budh Marg Patna-1
2. The Additional Municipal Commissioner Maurya Lok Complex, Budh Marg, Patna-1
3. The Executive Officer, Kankarbagh Circle, Patna Municipal Corporation, Patna-1
4. The Deputy Municipal Commissioner(Revenue) Patna Municipal Corporation Maurya Lok Compex, Budh Marg Patna-1
5. The Controller, Finance and Accounts , Municipal Corporation, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Mishra, Adv.

For the Respondent/s : Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 17-10-2017 Heard learned counsel for the parties.

The petitioner is aggrieved by the order bearing Memo No. 6015 dated 22.8.2015 of the Addl. Municipal Commissioner, Patna Municipal Corporation, whereby he has been visited with a minor penalty of withholding two annual increments with non-cumulative effect.

It is submitted by Mr. Suman Kumar Mishra, learned counsel for the petitioner, that during the pendency of the writ petition the period of limitation provided for filing an appeal of 45 days has expired. It is further submitted that the order though dated 22.8.2015 was communicated to the petitioner much later



and which led to filing of the writ petition.

It is informed by Mr. Ranjeet Kumar Pandey, learned counsel appearing for the Corporation, that the order is appealable and the statutory appeal would lie before the Principal Secretary, Urban Development Department. He also submits that the petitioner without exhausting alternative remedy has approached this Court.

Having heard learned counsel for the parties and considering the submission of Mr. Pandey, I deem it proper to dispose of the writ petition with the liberty to the petitioner to exhaust the alternative remedy of appeal so available to him and it goes without saying that any such appeal being filed by the petitioner within a period of 45 days from today alongwith a petition for condonation of delay shall be considered by the Principal Secretary, Urban Development Department, and disposed of on its own merits in accordance with law by a speaking order within a period of three months from the date of filing of such appeal.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

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