

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6295 of 2014

=====

Avinash Kumar Singh, Son Of Late Ram Sharan Singh, Resident Of Village
- Sahit, P.S. - Vidyapati Nagar, District – Samastipur, at present posted as
Assistant Settlement Officer, Saran, Chapra

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department Of
Revenue and Land Reforms, Bihar, Patna
2. The Joint Secretary, Department Of Revenue and Land Reforms, Bihar,
Patna
3. The District Magistrate, Begusarai
4. The Additional Collector, Begusarai
5. The Sub-Divisional Officer, Teghra, District - Begusarai
6. The Land Reforms Deputy Collector, Teghra-Cum-Presenting Officer,
Begusarai

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. S.B.K.Mangalam, Adv.

For the Respondent/s : Mrs. Alka Verma, AC to SC-17

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 02-08-2017 Heard Mr. S.B.K.Mangalam, learned counsel

appearing on behalf of the petitioner and learned AC to SC-17

appearing on behalf of the State.

The petitioner has filed this writ petition for
quashing the order dated 06.12.2013, contained in memo
no.1039/10 (Annexure-15), by which the Principal Secretary,
Revenue and Land Reforms Department inflicted punishment of
stoppage of two increments with cumulative effect and except
subsistence allowance no payment shall be made during the
suspension period.



At the very outset argument, learned AC to SC-17 has pointed out that according to the provisions of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005 there is statutory provision of appeal and the statutory provision is equally efficacious, but without exhausting the alternative remedy the petitioner has filed this writ petition under Article 226 of the Constitution of India.

However, learned counsel appearing on behalf of the petitioner has tried to persuade this Court about the illegality committed by the disciplinary authority inflicting punishment, but since there is efficacious and alternative remedy and the petitioner has not exhausted the same, I dispose of the writ application with a direction to the petitioner to present the appeal before the competent authority within one month from the date of this order and on such the appellate authority shall dispose of the appeal of the petitioner within two months from the date of filing of the appeal. If the appeal is not disposed of within two months from the date of its presentation the petitioner may again move this Court for the same relief.

Arvind/-

(Prabhat Kumar Jha, J)

U			
---	--	--	--

