

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20248 of 2013

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Reyaz Ahmad Aatish Son Of Late Nesar Ahmad Resident Of A/401 Ali Enclave
Ashaiana Road, P.S. Shastrinagar, District Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Commissioner And Secretary, Water Resources Department, Sinchai Bhawan, Patna
2. The Special Secretary-Water Resources Department, Sinchai Bhawan, Patna
3. The Deputy Secretary- Water Resources Department, Sinchai Bhawan, Patna
4. The Accountant General, Bihar Patna, Bir Chand Patel Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Sahi, Sr. Advocate
		Mr. Chandra Nawal Kishor, Advocate
For the Respondent/s	:	Mr. Anil Kumar Singh GP 26
		Mr. Nand Kishore Singh, AC to GP 26

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 27-06-2018

Heard learned senior counsel for the petitioner and the respondent State.

2. In spite of the order dated 16.02.2012 passed on the petitioner's earlier writ petition bearing C.W.J.C. No. 18651 of 2012 it is submitted by the learned senior counsel appearing on behalf of the petitioner that still the punishment is shocking to the conscience and grossly disproportionate to the charge in as much as the same has occasioned the recovery of an amount which is more than three times the alleged loss.

3. Since the petitioner has an adequate alternative statutory



remedy by way of Appeal/Review before the authorities under Rule 24(2) of the Bihar Government Servants (Classification, Control & Appeal) Rules 2005 (hereinafter referred to as ‘the Bihar CCA Rules, 2005) the plea of the petitioner may be considered by the statutory authority in light of the legal position as discussed in the earlier order dated 16.02.2012 passed on the petitioner’s writ petition bearing C.W.J.C. No. 18651 of 2012.

4. Learned senior counsel submits that petitioner may file his Appeal/Review under Rule 24(2) of the Bihar CCA Rules, 2005.

5. In case the same is filed within a period of two weeks, final decision must be taken by the authority within a period of eight weeks thereafter, by a reasoned and speaking order in accordance with law.

6. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

