

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15825 of 2010

CHANDRA BHUSHAN PRASAD SINGH S/O LATE TRIBENI PRASAD
SINGH R/O LANE NO.2, RAM DAYALU NAGAR, P.O.- RAMNA, P.S.-
SADAR, DISTT.- MUZAFFARPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH THE CHIEF SECRETARY
GOVERNMENT OF BIHAR, PATNA
2. THE CHIEF SECRETARY GOVERNMENT OF BIHAR, PATNA
3. THE PRINCIPAL SECRETARY WATER RESOURCES DEPARTMENT,
GOVERNMENT OF BIHAR, PATNA
4. THE ADDITIONAL SECRETARY WATER RESOURCES DEPARTMENT,
GOVERNMENT OF BIHAR, PATNA
5. THE DEPUTY SECRETARY WATER RESOURCES DEPARTMENT,
GOVERNMENT OF BIHAR, PATNA
6. THE DEPUTY SECRETARY (VIGILANCE) WATER RESOURCES
DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
7. THE CHIEF ENGINEER WATER RESOURCES DEPARTMENT,
GOVERNMENT OF BIHAR, PATNA
8. THE SUPERINTENDING ENGINEER, JALPATH ANCHAL, GAYA

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. V.K.Singh Mr. Santosh Kumar
For the State	:	Mr. Rakesh Ranjan

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-07-2018

Ref.:- I.A. No. 4406 of 2018

The present interlocutory application has been filed seeking to challenge the appellate order dated 12.10.2009 by which the appeal of the petitioner against the impugned order of punishment dated 15.09.2001 has been rejected on the ground that the same has been filed for lapse of nine years.

I.A. No. 4406 of 2018 is allowed.



The prayer made in Paragraph No. 8 of the interlocutory application is directed to be treated as one of the prayer in Paragraph No. 1 of the writ petition.

C.W.J.C No. 15825 of 2010

By way of the present writ petition, the petitioner seeks to challenge the order dated 15.09.2001 and the appellate order dated 12.10.2009 by which the punishment of censure has been inflicted upon the petitioner herein and the appeal of the petitioner has been rejected.

I find from the records, specially, the averment made by the petitioner in Paragraph Nos. 16 to 21 i.e. after the petitioner had retired in the year 2001, he and other similarly situated employees were granted the benefits of A.C.P. in the year 2009, but as far as the petitioner is concerned, he did not get the similar benefit as his colleagues were granted, hence, he enquired into the matter and filed R.T.I. application, whereafter, he was served with the impugned order of punishment dated 15.09.2001 vide letter No. 914 dated 09.09.2009.

In view of the aforesaid, it is clear that there was no delay in filing the appeal before the appellate authority, hence, the order dated 12.10.2009, rejecting the appeal on the ground that the same has been filed after nine years, is a mistake of fact,



hence, the appellate order dated 12.10.2009 is set aside and the appellate authority is directed to re-consider the matter within a period of eight weeks from today.

The writ petition is allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.07.2018
Transmission Date	NA

