

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1565 of 2015

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Vishwadeo Narain Singh aged 69 years, Son of Late Dhanjee Prasad Singh,
resident of Village Dawath, Police Station Dawath, District Rohtas at Sasaram.

.... **Petitioner**

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
2. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
3. The Deputy Secretary cum Chief Vigilance Officer, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
4. The Under Secretary (Vigilance), Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
5. The Accountant General (Accounts and Entitlement), Bihar, Patna Birchand Patel Path, Police Station Kotwali, District Patna

.... **Respondents**

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Appearance :

For the Petitioner : Mr. Rupak Kumar, Advocate
For the State : Mr. Nutan Sahay, AC to AAG 12
For the Accountant General, Bihar : Mr. Jitendra kumar Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
Date: 07-05-2018

Heard learned counsel for the petitioner, the State and the
Accountant General, Bihar.

2. It is submitted by learned counsel for the State that
without exercising the remedy of appeal, the petitioner has rushed to
this Court directly against order of punishment dated 10.9.2010
(Annexure 1), issued by the Engineer-in-chief cum Additional
Commissioner cum Special Secretary, Road Construction
Department, Bihar (respondent no.2) directing for withholding of
5% pension and recovery of 2,31,182.72 from the pensionary
benefits of the petitioner.

3. The petitioner had submitted his response to the second
show cause notice on 9.4.2010 pursuant to which the impugned



order has been passed imposing the punishment as noticed above. Since the objection, regarding existence of alternative remedy before the Principal Secretary, Road Construction Department, Bihar (respondent no.1), has been taken by counsel for the State, this Court would dispose of the writ petition with liberty to the petitioner to file his comprehensive appeal before the Appellate authority (respondent no.1).

4. In view of the liberty granted by this Court on the petitioner's earlier writ petition bearing C.W.J.C.No. 8550 of 2010 disposed of on 4.9.2014 and since the matter has been pending before this Court since 2015, this Court would direct that the Appellate authority shall take the decision on the merits of the appeal without raising any technical issue of the appeal being time barred.

5. The writ petition is disposed of with liberty to the petitioner to present his compressive appeal before the Appellate authority (respondent no.1) within four weeks from today. The Appellate authority would be obliged to consider and dispose of the same within three months thereafter.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
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