

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11429 of 2015

=====

Sanjay Kumar son of Sri Surendra Prasad Sinha resident of Village - Basantpur,
P.S. - Riga, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer, South Bihar, Patna.
5. The Superintending Engineer, Biharsharif, Nalanda.
6. The Executive Engineer, Rural Works Department, Works Division, Biharsharif, Nalanda.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr Yugal Kishore, Sr Advocate with
Mr Kumod Kumar Shrivastaw, Advocate
For the S t a t e : Mr Shashi Shekhar Kr Prasad, AC to PAAG II

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 30-07-2018

Heard learned Senior Counsel for the petitioner and the
respondent-State.

2 It is submitted by learned Senior Counsel for the petitioner that the petitioner and the Executive Engineer both had been subjected to proceedings departmentally leading to the punishment of dismissal awarded to both the petitioners as well as the Executive Engineer. He submits that during pendency of this writ petition, in the case of the Executive Engineer, this Court has directed for reconsidering the punishment of dismissal having found the same to



be harsh and excessive in case of the Executive Engineer.

3 What has been the fate of the punishment with respect to the Executive Engineer thereafter is, however, not before this Court. In these circumstances, learned Senior Counsel submits that the petitioner would be representing before respondent No 2 for reconsideration of punishment of dismissal awarded to the petitioner having regard to the fact that the petitioner in fact had a much lesser responsibility in the allegations which form the substance of the proceedings.

4 Without going into the merit of the submissions made on behalf of the parties, since the limited prayer is made for approaching respondent No 2 for reconsideration of quantum of punishment of dismissal having regard to subsequent developments and the final punishment awarded in the case of Bijoy Kumar, petitioner in *CWJC No 16949 of 2013*, who was the Executive Engineer, this writ petition need not be kept pending.

5 As prayed, petitioner would be at liberty to make his representation before respondent No 2 who shall be obliged to consider the same having regard to the subsequent developments in the case of Bijoy Kumar arising out of *CWJC No 16949 of 2013* and pass a reasoned and speaking order in respect thereof. While passing such orders, the order dated 07.04.2015 earlier rejecting the review



application of the petitioner will not stand in the way of the authorities.

6 Learned Senior Counsel submits that the representation will be filed within two weeks from today.

7 If the same is done, respondent No 2 shall be obliged to consider the same in light of the observations made hereinabove within a period of eight weeks thereafter.

8 This writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.07.2018
Transmission Date	NA

