

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4797 of 2015

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Balmiki Prasad Tiwari. S/o Late Hari Prasad Mandal. R/o Village and Post -
Baraichak Pattam, P.S.- Narayan Nagar, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Agriculture, Govt. of Bihar, Patna.
2. The Accountant General, Bihar, Virchand Patel Marg, Patna.
3. The Director of Agriculture, Bihar, Patna.
4. The District Provident Fund Officer, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Sinha, Mr. Binay Kumar, Advocates
For the State	:	Mr. Ajeet Kumar, SC 28
		Mr. Krishna Kant Tiwary, AC to SC 27
For Accountant General :		Mr. Kumar Priya Ranjan, SC
		Mr. Niraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 20-08-2018

The petitioner has challenged the award of punishment under order dated 09.09.2010, whereby 25% of his pension has been withheld.

Learned counsel for the respondent-State raises an objection that the petitioner has not availed of the statutory remedy of appeal under the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.

In view of the objection raised by the counsel for the respondent-State, the writ petition is disposed of with the liberty to the petitioner that he may ventilate his grievance before the appellate authority-respondent no. 1. Since the objection



regarding the availability of alternative remedy has been raised by the State Counsel, this Court would observe that the period spent in the present proceeding would not be held against the petitioner and the appellate authority would consider and dispose of the petitioner’s appeal if filed within four weeks from today on its merit without raising the issue of delay.

The writ petition stands disposed of accordingly.

The appellate authority however should take a final decision within a period of three months from the date of filing of the appeal.

(Madhuresh Prasad, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
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