

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18617 of 2017

Vijay Kumar Sinha Son of Rangilal Prasad Resident of Mohalla - Mustafapur,
P.S. - Ahiyapur, District - Muzaffarpur at present posted as Panchayat
Secretary, Sakara Block, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The Deputy Development Commissioner, Muzaffarpur.
5. The Additional Collector-cum-Conducting Officer, Muzaffarpur.
6. The Sub Divisional Officer, East Muzaffarpur.
7. The Block Development Officer, Minapur.
8. The Executive Engineer, DRDA, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar
For the Respondent/s : Mr. Pushkar Nrayan Sahi -Aag6

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-05-2018 The writ petitioner by way of the present writ petition has challenged the order dated 01.09.2017 passed by the court of the Commissioner, Tirhut Division, Muzaffarpur in Service Appeal No. 84 of 2017 by which the appeal has been dismissed merely on the ground of limitation, being time barred.

I find from the records of the case that the petitioner was inflicted punishment vide order dated 29.10.2016, which has been challenged in appeal before the court of the learned Commissioner and instead of deciding the matter on merits, the learned Commissioner has dismissed the appeal on the ground of the same being time barred.



I find that the right to livelihood of the petitioner is effected by the order of punishment dated 29.10.2016, as is enshrined under Article 21 of the Constitution of India, hence, it would not be appropriate to non-suit the petitioner merely on the ground of technicalities, thus, the Appeal of the petitioner is required to be adjudicated on merits.

In view of the aforesaid, the order dated 01.09.2017 passed by the learned Commissioner, Tirhut Division, Muzaffarpur is set aside and the learned Commissioner is directed to hear the appeal of the petitioner on merits and pass a reasoned and speaking order after granting an opportunity of hearing to the petitioner herein within a period of eight weeks from today.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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