

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9166 of 2018

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Bijay Kumar Singh, son of Late Bhuvneshwar Singh, Resident of Village
Purain, Post Office- Shukhpur, Police Station Supaul, District- Supaul.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department,
Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Additional Secretary-cum-Director, Land Acquisition and Rehabilitation,
Water Resource Department, Bihar, Patna.
4. The Special Land Acquisition Officer, Sone Yojana, Aurangabad.
5. The Special Land Acquisition Officer, Patna Barh Suraksha Yojana, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s	:	Mr. Vikash Kumar -SC-11 Mr. Akash Chaturvedi, A.C. to S.C.-11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 26-10-2018

Heard learned counsel for he petitioner and learned
counsel for the State.

2. In this case, the petitioner is challenging the order dated 20.02.2018, by which the petitioner has been dismissed from the service on account of being remain unauthorizedly absent from the duty during the following period:- (i) 07.01.2017 to 01.05.2017, 07.05.2017 to 19.06.2017, 02.07.2017 to 16.07.2017. The ground has been taken that he was suffering from jaundice, on that account he remained absent, inasmuch as, he has also taken plea that he has filed an



application communicating the competent authority about his illness, but the punishment of dismissal from service has been inflicted upon him.

3. Learned counsel for the petitioner submits that the punishment is so excessive, even presuming the charge to be proved no reasonable person would pass such an order of dismissal from service for the reason of being absent on account of illness.

4. As learned counsel for the State submits that the impugned order is appealable one, let the petitioner assail the impugned order by way of filing an appeal before the appellate authority. If such an appeal is filed by the petitioner within a period of three weeks from today, the appellate authority will consider the same and take decision in accordance with law within a period of four months from the date of filing of appeal by the petitioner. The appellate authority while considering the period of limitation, if any, in filing the appeal, shall consider the pendency of this case before this Court.

5. At this stage, a complain has been made that the petitioner has worked but he has been denied the salary for the period he has discharged the duty as well as he has also been



denied the subsistence allowance for the period he was put under suspension.

6. Let the authority make payment of admitted amount of the period which the petitioner has worked as well as make payment of subsistence allowance, which the State is statutorily liable to pay as per Rule-10 of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005.

7. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	30.10.2018
Transmission Date	N/A.

