

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4032 of 2016

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Ashok Kumar Sinha S/o late Girdhari Sharan Sinha Resident of Mohalla-
Kasera toli siwan Po Ps- District Siwan.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Siwan.
3. The Establishment Dy.Collector, Siwan.
4. District Supply Officer, -cum Conduction Officer, Siwan.
5. The Sub Divisional Magistrate, Siwan.
6. The treasury officer, Siwan.
7. The Incharge Officer, District Confidential Section Siwan.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Respondent/s : Mr.Ram Balak Mahto- Ag

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-05-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the State.

Counsel for the State raises an objection that the
petitioner has rushed to this Court without availing the remedy
before the Commissioner against the order passed by the
District Magistrate.

Mr. Srivastava, appearing for the petitioner, submits
that in gross violation of principles of natural justice the order of
punishment has been passed by the authorities.

Since the alternative remedy of appeal is available
to the petitioner, this Court would allow the petitioner to first



avail remedy of appeal before the Commissioner against the punishment of withholding of two annual increments with cumulative effect.

Since the objection regarding maintainability of the writ petition for want of alternative remedy is being raised by Counsel for the State, this Court would observe that if the appeal is filed by the petitioner within a period of four weeks the same should be considered on its own merit without raising the issue of delay as the matter was pending in these proceedings.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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