

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6515 of 2015

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Suresh Kumar Ram son of Ramdeo Ram, resident of village-Ichrua, P.S.-
Alauli, District-Khagaria at present posted as Panchayat Secretary, Gram
Panchayat Raj-Kawela, Block-Parwatta, District-Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Divisional Commissioner, Munger.
3. The Distiret Magistrate, Khagaria.
4. The District Panchayat Raj Officer, Khagaria.
5. The Block Development Officer, Parwatta, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : Mr.Sc8- Kumar Alok

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 26-03-2019

The order dated 21.01.2015 issued by the Appellate
Authority in Service Appeal no. 02 of 2014 shows abdication of
duty assigned to the Appellate Authority.

The petitioner's appeal against the punishment of
withholding of one increment without cumulative effect has
been rejected by a cryptic order on the premise that the
punishment is a very minor punishment. The fact that the
punishment is a minor punishment cannot be made the basis of
rejecting the appeal filed by the petitioner.

It is needless to say that the appeal of the petitioner was
required to be considered on its own merits. Merely for the fact



that the consequence of punishment was meager cannot be made the basis of the appellate authority's refusal to exercise his jurisdiction to consider the claim of the petitioner raised in the appeal. The importance of considered order and assigning of reasons have been reiterated various times by the Courts. Such cryptic decisions which shows total non-consideration have always been frowned upon. The order of the Appellate Authority dated 21.01.2015 is unsustainable for the reason that no reasons have been assigned by the Appellate Authority. The matter is remitted to the Appellate Authority to consider the appeal of the petitioner on its own merit by a reasoned and speaking order in accordance with law within a period of three months on receipt/production of a copy of this order.

Writ petition is allowed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

