

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10356 of 2019

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Md. Tayab Alam Shahidi Son of late S.K. Saidur Rahman, R/o Village-
Guasar Pokhar, P.S. Azam Nagar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Planning and Development Department, Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
4. The Director, Planning and Development Department, Bihar, Patna.
5. The Joint Director (Administration), Directorate of Economic and Statistic (Planning and Development Department), Bihar, Patna.
6. The District Magistrate, Araria.
7. The Deputy Collector(Establishment), Araria.
8. The Sub-Divisional Officer, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Mushtaque Alam
For the Respondent/s : Mr.Anjani Kumar (Aag4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-12-2019 The present writ petition has been filed, essentially challenging the order dated 23.11.2018 passed by the appellate authority i.e. the Joint Director (Administration), Directorate of Economic and Statistic (Planning and Development Department), Bihar, Patna, whereby and where-under the petitioner has been informed that his appeal has been dismissed on the ground of being barred by limitation, inasmuch as the time period for filing appeal is 45 days, however, the appeal has been filed against the order of punishment dated 03.04.2018 on



30.08.2018 only i.e. after a lapse of about five months.

Per contra, the learned counsel for the respondents has submitted that the appeal of the petitioner has been rejected since the same is time barred.

I have heard the learned counsel for the parties and gone through the averments made in the counter affidavit from which it is apparent that the respondents have nowhere stated about them having any objection in case the appeal is heard on merits. This Court further finds that since major penalty of stoppage of three increments with cumulative effect has been imposed upon the petitioner, the petitioner would suffer substantial loss as far as his emoluments are concerned, hence this Court feels that it would be highly unjust in case the Appeal of the petitioner is not heard on merits and instead the same is dismissed on mere technicalities, thus I deem it fit and proper to quash the appellate order dated 23.11.2018 and remit the matter back to the appellate authority to re-consider the appeal of the petitioner on merits.

Having regard to the facts and circumstances of the case, the present writ petition stands allowed and the order dated 23.11.2018, communicating to the petitioner that his Appeal has not been considered since the same is time barred, is quashed,



however, with liberty to the appellate authority to pass appropriate orders on merits of the case, afresh.

(Mohit Kumar Shah, J)

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