

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12840 of 2014

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Suresh Prasad, son of Late Babulal Prasad, resident of village - Chiksoura
Dih, P.O. Chiksoura Bazar, Police Station - Hilsa, District - Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Nalanda
4. The Additional District Magistrate (Establishment), Nalanda
5. The Sub - Divisional Officer, Hilsa, Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Ajey Kumar, Advocate
For the Respondent/s : Mr Uday Prasad, AC to GP XXII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 24-06-2019 Heard learned counsel for the petitioner and the
respondent-State.

Learned counsel for the State raises an objection regarding maintainability of the instant writ petition as the order of punishment withholding three annual increments and directing recovery of Rs 84,574/- issued by the District Magistrate, Nalanda under order dated 07.03.2014 is an order against which petitioner has adequate and efficacious remedy before the Divisional Commissioner by filing his appeal under the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.



Being faced with such difficulty, learned counsel for the petitioner submits that he would be filing the appeal before respondent No 2.

Since objection regarding maintainability of the writ petition has been raised by the learned counsel for the State, this Court would observe that respondent No 2 should proceed to consider the petitioner's appeal on merits and pass reasoned and speaking order expeditiously, without any undue delay and without raising any objection regarding the same being filed by any delay.

Writ petition is disposed of with the aforesaid directions.

Petitioner's counsel submits that he would be filing his appeal within four weeks.

If that be so, respondent No 2 shall dispose of the matter within a period of three months from the date of filing the appeal.

(Madhuresh Prasad, J)

M.E.H./-

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