

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1945 of 2016

Jai Kishore Prasad

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s	:	Mr. Rajendra Kumar, AC to GP 3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 24-01-2019

Heard counsel for the petitioner and the respondent State.

Under order dated 26.03.2009 petitioner was awarded punishment of withholding of three annual increments with non-cumulative effect. He was also awarded the punishment of withholding of all payments for the period of suspension other than subsistence allowance.

Counsel for the petitioner submits that after issuance of the order dated 26.03.2009 his voluntary retirement has been allowed with effect from 01.06.2011. It is his submission that he has preferred an appeal on 07.04.2009, copy of which is Annexure 11 to the writ petition. He submits that the appeal has not been decided till date.

The State has filed a counter affidavit. The specific stand is that the appeal of the petitioner is not available in the department and it has been stated that the copy of appeal



annexed by the petitioner also does not bear any seal mark of the department from which it can be ascertained that the revision petition has actually been filed by the petitioner. Disputing the filing of the revision/appeal (Annexure 11) a stand has been taken that since the same has not been filed, the question of taking any action on the same does not arise. These averments made in the counter affidavit have also not been denied or disputed by filing any rejoinder.

There is no occasion for this Court to exercise jurisdiction in favour of the petitioner in the instant case. Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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Transmission Date	

