

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2240 of 2019

In

Civil Writ Jurisdiction Case No.5127 of 2019

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Ramesh Gupta, Aged about 46 years, S/o Late Rajeshwar Prasad Gupta, then
Accounts Officer, Infrastructure Development Authority and resident of
Mohalla- E-99, P.C. Colony, P.S.- Kankarbagh, Distt.- Patna-800020.

... .. Petitioner/s

Versus

1. The State of Bihar through Deepak Kumar, Chief Secretary cum Chairman,
Infrastructure Development Authority Govt. of Bihar, Patna.
2. Tripurari Sharan, the Principal Secretary Deptt. of Industry, Bihar, Patna.
3. Ravi Shankar Srivastava, the Managing Director, Infrastructure
Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna-
800004.
4. Sanjib Das, the Regional Director, Central Board of Secondary Education,
Shilpa Gram Road (Near Shankar Dev Kalashetra Panjabari Gauhati,
(Assam) Pin-781037.
5. Josphe Emmamel, the Secretary, Central Board of Secondary Education,
Shiksha Kendra-2, Community Centre, Preet Vihar, Delhi-110092.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Adv.

For the Opposite Party/s : Mr. Yogendra Prasad Sinha (AAG-7)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 14-08-2019

A contempt application has been filed for



disobedience of this Court's order dated 01.04.2019, passed in C.W.J.C. No. 5127 of 2019, whereby the original writ petitioner has been permitted to withdraw the writ petition to prefer a review petition before the Infrastructure Development Authority, Bihar, Patna (*in short the I.D.A.*) against the order of punishment and the appellate order, confirming the order of punishment.

2. The learned counsel appearing for the respondent/I.D.A. submits that because of a faulty understanding of the provision contained in Clause 2.5.5 of the I.D.A. (Financial Service and Technical) Regulations, 2007 (*in short the Regulations of 2007*), it was presumed that there is no provision for review and even if the provision for review existed, it was limited to the extent of passing orders with respect to salary and the declaration of the employee being on leave or not.

3. The Regulations of 2007 contains the provision for review under Clause 2.5.5, which reads as hereunder:-

"2.5.5 Review

The IDA may, on its own motion or



otherwise, review any order made by an authority and pass such orders as it deems fit in the circumstances of the case.

Where an employee who has been dismissed or suspended, is reinstated, the authority reinstating him shall make an order specifying:-

(i) Whether the employee may draw for the period of his absence from duty any pay and allowances in addition to the pay and allowances admissible under regulations.

(ii) Whether such period may be treated as on duty for all or any purposes."

4. Since power of review is provided for specifically under the Regulations of 2007, the aforesaid power, if invoked, has to be exercised; whether it is in favour of the employee or not is not an issue to be decided here.

5. The delay in passing any order in review has occasioned only because of the understanding that review is only permissible under certain circumstances, which is not the case as has been stated above.

6. It has been submitted on behalf of the respondent/I.D.A. that the review petition preferred by the writ petitioner shall be disposed off within a period of four



weeks from today.

7. If the original writ petitioner/employee remains aggrieved with the order passed in review, he can approach this Court, if so advised, against the aforesaid order.

8. With the aforesaid observation/direction, the contempt petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.08.2019
Transmission Date	N/A

