

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 15053 of 2011

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RAJENDRA CHOUDHARY S/O Late Parichhan Choudhary R/O Mohalla-
Under Killa, Hajipur, P.O. P.S.- Hajipur, Distt.- Vaishali

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Secretary Road Construction Department (P.W.D) Govt. Of Bihar, Patna
3. The Deputy Secretary Road Construction Department Govt. Of Bihar, Patna
4. The Engineer-In-Chief, Road Construction Department, Govt. Of Bihar, Patna
5. The Superintending Engineer, Road Construction Department (N.H.) Govt. Of Bihar, Patna

... .. Respondent/s

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For the Petitioner/s	:	Mr Rajendra Prasad, Sr Advocate with M/s Pramod Kumar, Dharendra Kumar, Advocates
For the Respondent/s	:	Mr Upendra Pratap Singh, AC to SC IV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

7 **16-09-2019** Heard learned counsel for the petitioner and the respondent-State.

Petitioner, being a Head Clerk, has been visited with punishments by Office Order dated 21.04.2011 which entails censure and withholding of two annual increments without cumulative effect. For the period of suspension, the petitioner has been allowed subsistence allowance only.

The order of minor punishments have been assailed by way of this writ petition without availing the remedy of appeal against the order issued by the Engineer-In-Chief, Road Construction Department.



Learned Senior Counsel submits that since the matter is pending for so many years, now it will be onerous for the petitioner to approach the Appellate Authority.

This Court has considered the said submission. Pendency of the matter before this Court is on account of the petitioner's rushing to this Court directly without availing the remedy of appeal. The effect of at least two, out of three punishments, have lapsed in 2014 itself.

In view of the minor issue remaining as a result of the order of punishment dated 21.04.2011, this Court would observe that the petitioner should avail the adequate alternative remedy of appeal so that the issues based on facts, arising in the course of enquiry, leading to the punishment, can properly be considered by the Appellate Authority.

Writ petition is disposed of with liberty, as aforesaid.

In case the petitioner avails the remedy of appeal within four weeks, the Appellate Authority would not raise the issue of delay on account of the matter pending before this Court.

(Madhuresh Prasad, J)

M.E.H./-

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