

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2437 of 2016

1. Kamal Kishore Sharan Son of late Tripurari Sharan Resident of Village
_West Lohanipur Main Road, House No. 319, P.s Kadamkuan, District Patna
-800003

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Mines and
Geology , Government of Bihar Patna
2. The Principal Secretary, Department of Mines and Geology , Government of
Bihar Patna
3. The Director/Joint Secretary, Department of Mines and Geology Government
of Bihar, Patna.
4. The Under Secretary Department of Mines and Geology Government of Bihar,
Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Amaresh Kumar Sinha
For the Respondent/s	:	Mr. Rajendra Prasad
For Mines Department	:	Mr. Naresh Dikshit

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 2 06-03-2019 The petitioner has challenged infliction of censure

by order dated 20.8.2015 issued by Under Secretary,

Department of Mines and Geology.

It is his submission that the petitioner was not allowed
adequate opportunity to make out his defence and that the order
of punishment is otherwise unsustainable on facts. It is also his
submission that the punishment has been awarded in hot haste
without due consideration of the petitioner's plea.

Counsel for the State has taken an objection regarding



maintainability of this proceeding since alternative remedy of appeal under Rule 23 of the Bihar CCA Rules 2005 is available to the petitioner.

Counsel for the petitioner submits that the petitioner has moved the Appellate Authority by Annexure 6 dated 28.8.2015.

In view of such submission, this Court would direct that respondent No. 2 shall dispose of the petitioner's representation dated 28.8.2015 treating the same to be an appeal under the provisions of Bihar CCA Rules 2005 . Let the appeal be disposed of on its merit without any objection regarding delay by respondent No. 2 within a period of three months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

It will be open to the petitioner to supplement the said representation by any other ground that he may propose to urge within a period of two weeks from today.

(Madhuresh Prasad, J.)

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