

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1333 of 2016

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Shankar Jha Son of late Madhukant Jha Resident of Village -Chainpur ,Ps
Bangaon, District Saharsa.

... .. Petitioner

Versus

1. The State of Bihar Through The Chief Secretary, Government of Bihar,Old Secretariat, Patna.
2. The Secretary, Public Health Engineering Department ,Government of Bihar Patna.
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar Patna.
4. The Joint Secretary, Public Health Engineering Department ,Government of Bihar Patna.
5. The Deputy Secretary, Public Health Engineering Department ,Government of Bihar Patna.
6. The Chief Engineer (Civil), Bihar,Patna.
7. The Superintending Engineer, Public Health Engineering Circle, Saharsa, District Saharsa.
8. The Executive Engineer, Public Health Engineering Circle, Saharsa, District Saharsa
9. The Executive Engineer, Public Health Engineering Division, Madhepura, District Madhepura.
10. The Executive Engineer, Public Health Engineering Division, Supaul, District Supaul.
11. The Treasury Officer, Supaul.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha
For the Respondent/s : Dr. Shobha Choubey, AC to GP 19

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 09-01-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

It is submitted by Counsel for the petitioner that in
respect of same allegation the petitioner has been acquitted in
the trial. He has placed on record the order passed by the
Judicial Magistrate, 1st Class, Saharsa dated 23.5.1995 in



support of his submission. However, it is pointed out that in respect of the same allegation recovery is sought to be made from the petitioner of an amount of Rs. 2,80,739/- under the order of punishment inflicted in the departmental proceeding on 14.8.2015 (Annexure 14). He submits that relying upon his acquittal in the criminal proceeding in Annexure 2, he would be submitting his appeal before the Appellate Authority against the order passed by the Superintending Engineer dated 14.8.2015.

Let the petitioner file his appeal within a period of four weeks. In the event the same is filed within four weeks, the Appellate Authority would not raise the issue of the appeal being filed by delay in view of pendency of the instant proceeding. The Appellate Authority would be obliged to consider the petitioner's claim in accordance with law and pass a reasoned order thereafter.

The writ petition stands disposed of.

(Madhuresh Prasad, J.)

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