

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18254 of 2019

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Ripu Daman, son of Ram Sharan Singh, Resident of vill.- Gajra Chatar (Near Tilaiya Junction), PS- Narhat, PO- Chhoti Jamuara, District- Nawada at present residing at C/o Dwarika Nath Choubey, Advocate, Sitaram Path Extension, Patel Nagar, Town, PO and PS- Patna- 800023.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited through its Chairman cum Managing Director, Vidyut Bhavan, Bailey Road Patna.
2. The Chairman cum Managing Director, Bihar State Power Holding Company Limited, Vidyut Bhavan, Bailey Road Patna.
3. The Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhavan, Bailey Road Patna.
4. The General Manager (HR and Admin.), Bihar State Power Holding Company Limited, Vidyut Bhavan, Bailey Road Patna.
5. The Deputy General Manager (Personnel), Bihar State Power Holding Company Limited, Vidyut Bhavan, Bailey Road Patna.
6. The General Manager (HR and Admin.), South Bihar Power Distribution company Limited, Vidyut Bhavan, Bailey Road Patna.
7. The Deputy General Manager (HR and Admin.), South Bihar Power Distribution company Limited, Vidyut Bhavan, Bailey Road Patna.
8. The Under Secretary, South Bihar Power Distribution Company Limited, Vidyut Bhavan, Bailey Road Patna.
9. The Electrical Executive Engineer Lakhisarai Electric Supply Division, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bajarangi Lal, Advocate
For the B.S.E.B.	:	Mr. Kumar Priya Ranjan, (Addl. S.C.)
		Mr. Mohit Kant Sahay, Advocate
		Mr. Pallav, Advocate.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 09-09-2019

There were two Departmental Proceedings initiated against the petitioner; one culminated into passing of the order No. 537 dated 21.3.2018 by the Deputy General Manager (HR/Admin.), Bihar State Power Holding Company Limited, imposing punishment of entry of



‘warning’ in his service book. The other Disciplinary Proceeding ended with imposition of punishment of stoppage of one increment with non-cumulative effect.

Actions taken in two separate Departmental Proceedings have been challenged by filing one writ application.

Learned counsel appearing on behalf of the petitioner at the very outset, has submitted that petitioner shall file separate writ application so as to question the legality of the orders passed on the second Departmental Proceeding and confines his relief in the present application to question the correctness of decision dated 21.03.2018.

There is a peculiar aspect of the matter. Against both the orders dated 21.3.2018 and 5.7.2018 the petitioner had filed one appeal. An order passed by the Appellate Authority has been communicated to him, which is dated 15.12.2018.

Learned counsel appearing on behalf of the petitioner has submitted that his appeal against the order dated 21.3.2018 has not been entertained treating to be time barred, which has been communicated to him by the Deputy General Manager of South Bihar Power Distribution Company Limited, who was not the Appellate Authority. He has submitted that the order passed by the Deputy General Manager is beyond jurisdiction, he being not the appellate authority.

It is not evident from the records whether the decision not to entertain the petitioner’s appeal against the order dated 21.3.2018 on the ground of limitation, was of the appellate authority or someone else.



Learned counsel appearing on behalf of the Bihar State Power Holding Company Limited submits that a joint appeal filed by the petitioner against two orders passed by the Disciplinary Authority in two separate Departmental Proceedings could not have been entertained.

Be that as it may, in the facts and circumstances of the case, I dispose of this writ application with a direction that if the decision, not to entertain the petitioner's appeal against the order dated 21.3.2018, was not taken by the Appellate Authority himself, let a decision be taken in this regard within a period of two months from the date of receipt of this order.

The petitioner shall have liberty to question the legality of the order passed in the other Departmental Proceeding leading to disciplinary action with passing of the order dated 5.7.2018 and the order of the Appellate Authority in the said Proceeding, by filing separate petition.

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16/09/2019
Transmission Date	

(Chakradhari Sharan Singh, J)

