

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18390 of 2019

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Md. Nizamuddin Ansari Son of Late Munshi Mian Resident of Village-
Sahejani, P.O.- Hasan Bazar, P.S.- Piro, District- Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar Through the Commissioner-cum- Secretary, Water Resources Department, Sinchai Bhawan, Patna.
2. The Engineer-in- Chief (Head Quarter) Water Resources Department, Patna.
3. The Chief Engineer (Mechanical) Water Resources Department, 70/84, New Punai Chak, Patna.
4. The Superintending Engineer Irrigation Mechanical Circle, Gaya.
5. The Executive Engineer Irrigation Mechanical Division, Aurangabad.
6. The Accountant General Bihar, Birchand Patel Path, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Ajay Kumar
For the Respondent State: Mr.Vijay Kumar Verma, AC to GA-2
For the Accountant General : Mr. L.P.K. Rajgrihar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 23-09-2019 In a departmental proceeding, initiated long back, the petitioner was saddled with the punishment of entry of censure in his service book by an order dated 21.11.2000. The said order, the petitioner did not assail.

This writ application has been filed seeking quashing of the impugned order, dated 04.10.2018, issued by the Engineer-in-Chief (Headquarters), Water Resources Department, Government of Bihar, whereby, taking into account the punishment imposed in 2000, the petitioner's claim for revision of the date with effect from which the petitioner has



been held to be entitled to Assured Career Progression, has been rejected.

Mr. Ajay Kumar, learned counsel appearing on behalf of the petitioner, has submitted that an appeal, against the said order of punishment dated 21.11.2000, is pending, which, according to him, was filed on 17.02.2001.

I do not find any illegality in the impugned order, which has taken into account the punishment of censure imposed upon him while considering petitioner's claim for redetermination of effective date for grant of Assured Career Progression.

Learned counsel appearing on behalf of the petitioner appears, however, to be correct in his submission that his appeal ought not to have been allowed to remain pending for all these years.

In the facts and circumstances of this case, this application is disposed of with an observation that if the petitioner's appeal, against the order of the disciplinary authority, is still found to be pending, the same must be decided expeditiously, within three months from the date of receipt/production of a copy of this order.

The result of the petitioner's appeal shall dertermine



the petitioner's claim as to whether he is entitled for grant of Assured Career Progression with effect from any earlier date or not.

With this observation, this application is allowed.

(Chakradhari Sharan Singh, J)

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