

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.508 of 2019

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Santosh Kumar Son of Chandrika Singh Resident of Village-Pakri,P.S.
Bikram,Distt.-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Patna
3. The District Panchayat Raj Officer,Patna
4. The Block development Officer, Paliganj,Patna
5. The Block development Officer, Naubatpur Block,Distt.-Patna
6. The Treasury Officer,Danapur,Patna
7. The Commissioner, Patna Division, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Brajesh Kumar, AC to AAG4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-07-2019 Learned counsel for the petitioner is permitted to implead the Commissioner, Patna Division, Patna, as respondent no.7 during course of the day.

Heard the parties.

It is submitted by counsel appearing for the petitioner that the order of punishment visits petitioner with extreme consequences. He submits that the petitioner's role in the background of the charges was limited to preparation of cheque and handing over the same to the Mukhiya. The Mukhiya, in fact, was responsible for the procurement, of payment and other financial aspects. In fact, he has been made scapegoat along



with the Mukhiya. The issues raised by the petitioner can well be considered in appeal, as against the order passed by the Collector dated 01.02.2016, petitioner has remedy of appeal. The State counsel also takes objection that in view of the remedy of appeal, petitioner could not have approached this Court directly.

This Court would observe that if the petitioner approaches the appellate authority within a period of four weeks, then the appeal of the petitioner should be considered by the Commissioner, Patna Division, Patna (respondent no.7) on its own merit without raising objection of delay. The issue should be decided in accordance with law by a reasoned and speaking order.

The Commissioner is directed to conclude the proceedings expeditiously and preferably within three months from the date of receipt/production of a copy of this order having regard to the fact that the petitioner is a retired person.

Accordingly, this writ petition is disposed of.

(Madhuresh Prasad, J)

A.K.V./
S. Katyayan/-

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