

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1153 of 2018

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Satyadeo Prasad, son of late Anrudh Prasad, resident of Village- Kalawati
Nurse Wali Gali, Azad Nagar, Balua Tal, Motihari, District- East Champaran,
Retired Assistant, Adapur Block, East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, East Champaran, Motihari.
4. The Additional Collector, (Departmental Enquiry), East Champaran, Motihari.
5. The Sub-Divisional Officer, Pakaridayal, East Champaran, Motihari.
6. The Senior Deputy Collector, East Champaran, Motihari.
7. The Block Development Officer, Adapur Block, East Champaran, Motihari.
8. The Block Development Officer, Madhuban Block, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. M N Parbat, Senior Advocate with Mr. Ved Prakash Srivastva, Advocate
For the Respondent/s	:	Mr. Vinay Kriti Singh, GA 2 Mr. Akhileshwar Singh, AC to GA 2

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-02-2021

Heard Mr. M N Parbat, learned senior counsel along
with Mr. Ved Prakash Srivastva, learned counsel for the
petitioner and Mr. Vinay Kirti Singh, learned GA 2 along with
Mr. Akhileshwar Singh, learned AC to GA 2, for the State.

2. It is not in dispute that whatever the petitioner was
entitled to has been paid to him.



3. However, learned counsel for the State submitted that a substantive punishment order was passed in the departmental proceeding against the petitioner by which 25% of his gratuity was forfeited, but the authorities have paid the same in 2020. Thus, it was submitted that the authorities would, now be issuing notice to the petitioner either to refund the excess or to get it adjusted from the payments to be made. It was further submitted that the petitioner has a remedy against the punishment order by moving before the prescribed authority.

4. Learned counsel for the petitioner submitted that though the punishment is impermissible, since there is a substantive punishment order against the petitioner in the departmental proceeding, liberty be given to assail that before the appropriate forum in accordance with law and limitation, if any, be waived.

5. In view thereof, the writ petition stands disposed off with liberty aforesaid.

6. As the petitioner was before this Court and had also filed an Interlocutory Application to challenge the punishment order, which was also allowed, if there is any statutory period fixed for moving against the said punishment order before the authority concerned, in case the petitioner



moves that forum within one month from today, along with a copy of this order, the same shall be considered and a reasoned order shall be passed on merits, in accordance with law, without rejecting the same on the ground of it being filed beyond the time prescribed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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