

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.147 of 2019

Along with

Interlocutory Application No. 1 of 2019

Arising out of

Civil Writ Jurisdiction Case No.16049 of 2010

1. The State of Bihar through the Principal Secretary, Personnel and Administrative Reforms Department (Now General Administration Department), Government of Bihar, Patna.

..... Respondent no. 1

2. The Under Secretary, Personnel and Administrative Reforms Department (Now General Administration Department), Government of Bihar, Patna.

..... Respondent no. 2

3. The District Magistrate, Supaul.

..... Respondent no. 3

... .. Appellant/s

Versus

Girija Shankar Prasad, Son of Late Raj Mohan Prasad, Resident of Mohalla- Mahadeva Magahiya Toli, P.S. Ara Town, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Prabhu Narayan Sharma, A.C. to A.G.

For the Respondent/s : Mr. Abhinav Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)



Date : 03-11-2022

Heard Mr. Prabhu Narayan Sharma, learned A.C. to Advocate General for the appellants and Mr. Abhinav Srivastava, learned counsel for the respondent.

Re.: Interlocutory Application No. 1 of 2019

2. The present Interlocutory Application has been filed seeking condonation of delay of 181 days in filing of the appeal.

3. Having heard learned counsel for the parties and upon going through the averments made in the application, the delay in filing of the appeal is condoned.

4. Interlocutory Application No. 1 of 2019 stands disposed of.

Re.: Letters Patent Appeal No. 147 of 2019

5. With the consent of learned counsel for the parties the main appeal has been taken up and heard.

6. The appellants have preferred the present appeal being aggrieved by the order dated 19.06.2018 passed by the learned Single Judge in CWJC No. 16049 of 2010.

7. By the said order, the minor punishment given to the respondent-writ petitioner has been set aside.

8. Learned counsel for the appellants submitted that the respondent had not performed his duty and rather absconded



during the crisis period when the area of which he was the then Block Development Officer was flooded leading to great inconvenience to the public at large. Thus, it was submitted that the authorities having given a show cause and after considering the reply have passed a minor punishment order which does not require any interference.

9. Learned counsel for the respondent submitted that the respondent had not absconded from his duty and rather he had led from the front the moment sudden flooding happened in the area of which he was in-charge. He submitted that it is documented that during night he developed some complications for which he went to the nearest Primary Health Center in the next morning and on the advise of the doctor for rest and also for seeking better advise he had telephonically talked to the then District Magistrate, Supaul who instructed him to take care of his health and in anticipation of sanction of his leave, he had proceeded to Patna and in Patna also he has got treatment in Getwell Hospital. It was submitted that all those were documented and never controverted or disputed or found to be fake or fabricated. It was submitted that the order impugned, without assigning any reason has still inflicted minor punishment which has rightly been interfered with.



10. Having considered the rival submissions, the Court finds no ground to interfere in the order of the learned Single Judge.

11. Accordingly, the appeal stands dismissed.

12. Pending applications, if any, stand disposed of.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

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