

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6308 of 2021

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Shyam Sunder Prasad Son of Laxmi Narayan Yadav Resident of Ward No.7,
Near B.S.N.L. Tower, Madhopur Raushan Bhisra, P.S.- Dumra, District-
Sitamarhi, Presently posted as Steno Typist, Minor Irrigation Division,
Kaimur (Mohania).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
2. The Engineer-in-Chief, Minor Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Minor Water Resources Department, Muzaffarpur.
4. The Superintending Engineer, Minor Irrigation Circle, Darbhanga.
5. The Executive Engineer, Minor Irrigation Division, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 07-02-2022

The matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accepts notice for respondents.

3. Counsel for the petitioner is hereby directed to furnish
copy of the writ petition to the counsel for the State/respondents.

4. In the instant petition, petitioner has prayed for the
following relief/reliefs:



“(i) For issuance of writ in the nature of CERTIORARI for setting aside the order being memo no. 1929 dated 14.11.2015 issued by the Respondent no. 3, whereby and where under the petitioner had been inflicted punishment of withholding three increments with cumulative effect which is the major punishment as well as it has further been said that petitioner will not get any salary except payment of subsistence allowance for the period of suspension without asking any specific show-cause on this point.

(ii) For a direction upon the Respondent No. 2 to decide the pending appeal before Respondent no. 2 which was filed much earlier on 30.12.2015 but till date no final order has been passed.

(iii) To pay the differences of salary for the period of suspension.

(iv) Any other order/orders for granting any other relief/reliefs for which petitioner is found in the facts and circumstances of the case.”

5. The petitioner was subjected to disciplinary proceedings and it has concluded in imposition of withholding of three increments with cumulative effect by the respondent No. 3 *vide* Memo No. 1929, dated 14.11.2015. Feeling aggrieved and dissatisfied with the order of penalty, petitioner preferred appeal before the 2nd respondent and it is pending consideration even to this day, therefore, the 2nd respondent is hereby directed to consider the petitioner's appeal in accordance with the relevant provisions of law and after due consideration of each of the contention raised by the petitioner in his appeal.

6. The above exercise shall be completed within a period of three months from the date of receipt of this order.



7. With the above observations, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

