

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10532 of 2011

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Upendra Narayan Jha S/O Kapildeo Jha Revenue Karamchari Vill+P.O.-
Chatihar, P.S.-Hisua, Distt.-Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary Revenue And Land Reforms Govt. Of Bihar, Patna
3. The District Collector, Nawada
4. Sub-Divisional Officer, Nawada
5. Sri Shatrughan Kanti The Executive Magistrate, Nawada

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Kamaluddin
For the Respondent/s : Mr.S.S. Shabbar Hussain Gp4

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 05-01-2022

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

2. In the instant petition, petitioner has prayed for following reliefs:

“(i) To issue an appropriate writ, order or direction for quashing order no. 15/2007-2008 issued by District Magistrate, Nawada on 12.7.2007 vide memo no. 484 dated 12.7.2007, whereby and where under the petitioner has been punished and demoted in the basic scale of Revenue Karamchari and further no payment except the sustenance allowance paid to the petitioner is made payable to him, that too on wholly erroneous grounds without looking in to the facts and circumstances of the case and without



considering the case of petitioner.

(ii) To issue further writ or direction also for quashing an order dated 3.2.2011 passed by the Commissioner, Magadh Division; Gaya in service appeal no. 87 of 2010 whereby the appeal filed by the petitioner against the order dated 12.7.2007 is dismissed on the point of limitation without considering the merit of case.

(iii) To issue further writ order or direction commanding the respondents to pay the scale/salary payable to the petitioner according to his length of service and seniority which the petitioner was getting prior to 12.7.2007.

(iv) To award any other relief or reliefs for which the petitioner is found entitled in the facts and circumstances of the case.”

4. Petitioner was punished in disciplinary proceedings while recovering his pay in the post of Revenue Karmchari.

5. Feeling aggrieved and dissatisfied with the order of penalty dated 12.7.2007 he had preferred appeal before the appellate authority on 09.12.2010 and it was rejected on 03.02.2011 on the ground of limitation.

6. The petitioner has not explained delay of about three and half years in preferring appeal so as to enable the appellate authority to condone the delay in preferring the appeal. Such a material information has not been placed on record so as to remand the matter to the appellate authority to decide the condonation of delay application in filing the appeal and to



decide the appeal on merit. Thus, the petitioner has not made out a case so as to interfere the order of the appellate authority dated 03.02.2011.

7. Accordingly, the instant petition stands dismissed.

(P. B. Bajanthri, J)

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Uploading Date	
Transmission Date	

