

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.573 of 2021

Om Prakash Ram Son of Late Ganga Ram Resident of Village and Post
Office- Pakwaliya, Police Station- Daraundha, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Siwan.
3. The Deputy Development Commissioner, Siwan.
4. The District Panchayat Officer, Siwan.
5. The Sub Divisional Officer, Maharajganj, Siwan.
6. The District Accounts Officer, Siwan.
7. The Block Development Officer, Maharajganj, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s	:	AAG 5
		Mr. Ajay, GA 5

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

Date : 09-05-2022

Heard learned counsel for the respective parties.

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

“I. For issuance of an appropriate writ in the nature of certiorari for quashing the memo no. 337 dated 01.03.2007 issued under the signature of the District Magistrate, Siwan by which, there is direction for withholding three annual increments of the petitioner without considering the fact that the Conducting Officer-cum-the Sub Divisional Officer, Maharajganj, Siwan has not held the petitioner guilty and recommended for revocation of his suspension and in the writ petition filed by the petitioner before this Hon’ble High Court bearing C.W.J.C. No. 7872 of 2006, an order was



passed on 10.07.2006 with direction to the District Magistrate, Siwan to take a final decision within a period of three months and in compliance of order of this Hon'ble High Court and in the light of enquiry report submitted by the Conducting Officer-cum-the Sub Divisional Officer, Maharajganj, Siwan, the District Magistrate, Siwan although revoked the suspension of the petitioner but he directed for withholding three increments of the petitioner with cumulative effect.

II. For issuance of an appropriate writ in the nature of mandamus for commanding directing the respondent authorities concerned to pay three annual increments to the petitioner with consequential benefits for which the petitioner is entitled in view of the fact that the petitioner has been victimized for no fault on his part.

III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to provide the benefits of three annual increments with all consequential benefits without any further delay so that the petitioner might not be prejudiced in any manner.

IV. For issuance of any other writ/writs, order/orders, direction/directions for which the petitioner would be entitled in the facts and circumstances of the present case.”

3. Petitioner was subjected to disciplinary proceedings which was concluded in imposition of penalty of withdrawing of three increments with cumulative effect and it was subject matter of C.W.J.C. No. 263 of 2016 and it was disposed off. Feeling aggrieved by the same, petitioner preferred L.P.A. No. 341 of 2018 and it was disposed off on 07.12.2018. In the light of the



observations made by the L.P.A. Bench, the District Magistrate has proceeded to pass order *vide* Annexure 4 dated 06.06.2019.

4. Petitioner has a statutory remedy of appeal against the order of District Magistrate dated 06.06.2019, therefore, the present petition is premature and is disposed off.

5. Accordingly, petitioner is permitted to prefer appeal before the Appellate Authority against the order of the District Magistrate. If such appeal is filed within a period of eight weeks from today, in that event, Appellate Authority is hereby directed to decide petitioner’s appeal within a period of three months from the date of receipt of such appeal and communicate the same to the petitioner.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	12.05.2022
Transmission Date	

