

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10532 of 2020

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Sushil Kumar Saroj, Son of Lakshmi Das Saroj, Resident of Chaudharana Road Near Handisaheb Gurudwara Road, P.S. Danapur Cantonment, District - Patna, Bihar - 801503.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Defense, Raksha Sampada Bhawan, Delhi Cantonment - 110010.
2. Director General, Defense Estates, Ministry of Defense, Raksha Sampada Bhawan, Ministry of Defence, Delhi Cantonment - 110010.
3. The Principal Director, Defense Estates, Ministry of Defense, Raksha Sampada Bhawan, Ministry of Defence, Delhi Cantonment - 110010.
4. The Danapur Cantonment Board through the Chief Executive Officer, P.O. and P.S. Danapur Cantonment, District - Patna.
5. The General Officer Commanding-In-Chief, Central Commandant-cum-Appellate Authority, Central Command Headquarter, 5, Usman Road, District - Lucknow, Uttar Pradesh - 226001.
6. The Chief Executive Officer-cum-Disciplinary Authority, Cantonment Board Office, P.O. and P.S. Danapur Cantonment, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kaushik
For the Respondent/s : Mr.Dr.K.N.Singh (Asg)

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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:

“1. That this is an application by which the writ petitioner prays for issuance of an order, direction or a writ of



mandamus for directing the respondent number 5 (the General Officer Commanding-In-Chief, Central Commandant-cum-Appellate Authority) to dispose of the appeal filed by the petitioner on 18.12.2019 under Rule 13(2) of the Cantonment Fund Servants Rules, 1937 against the order dated 18.10.2019 by which the respondent Board had rejected the appeal filed by the petitioner against the order of dismissal dated 05.11.2016 passed by the Disciplinary Authority, which has also been subjected to challenge before the respondent no. 5 who is the Second Appellate Authority.”

3. In the instant petition, petitioner has exhausted the remedy of appeal (second time and it is permissible). Such second appeal is pending consideration before Respondent No. 5 since 18.12.2019. Therefore, Respondent No. 5 is hereby directed to decide the petitioner’s second appeal dated 18.12.2019 within a period of four months from the date of receipt of this order.

4. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	
Transmission Date	

