

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11515 of 2015

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Mritunjay Kumar S/o Sri Shatrudhan Sah, resident of Mohalla- New Bagrahpur, Bihari Path, near Mithapur New Bus Stand, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The CMD and Chairman, Hindustan Petroleum Corporation Ltd. Petroleum House, 17 – Jamshedjee Tata Road, Mumbai - 400020
2. The G.M. (acting), HPCL Biofuels Ltd. Sugauli, East Champaran, Motihari.
3. The Chief Executive Officer, HOPCL Biofuels Limites, House No.-271, Road No.-3E, New Patliputra Col
4. Sri Deepak E. Kujur, The Inquiring Officer, Head Procurement, HPCL Biofuels Ltd., New Patliputra Colony, House No. 271, road No. - 3 E, Patna – 13.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jayant Kumar Karn, Advocate Mr. Hemant Kumar Karan, Advocate
For the Respondent/s	:	Mr.Rajeev Prakash, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 19-01-2023 Heard learned counsel for the parties.

Initially, the writ application was filed against the order of issuance of Memo of charge (Annexure - 5), but during pendency of this writ application, petitioner has been removed from the service, vide order dated 03.05.2016 passed by Chief Executive Officer, HPCL Biofuels Limited, Patna (Annexure 14 to the I.A. No. 1378 of 2017).

Learned counsel for the respondents raises preliminary objection to the writ application and submits that petitioner has approached this Court by filing present writ



application without availing remedy of appeal before the appellate authority.

In view of aforesaid fact, the petitioner is directed to avail remedy of appeal before the Functional Director, HPCL / appellate authority. If such appeal is filed within a period of four weeks from today, the same shall be heard *on merit* and after hearing the parties, necessary order shall be passed in accordance with law within a period of six months from the date of filing of such appeal.

With above observation and direction, the writ application stands disposed of.

(Prabhat Kumar Singh, J)

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