

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12434 of 2021

Basushree Wife of Sri Sunil Kumar Ranjan, Resident of Flat No. 1/c, Shiv
Roop Kutir Apartment, Road No. 8, Sri Krishna Nagar, P.S. Buddha Colony,
District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Special Secretary to the Government, Social Welfare Department, Bihar, Patna.
3. The Secretary (Establishment), Social Welfare Department, Bihar, Patna.
4. The Joint Secretary Social Welfare Department, Bihar, Patna.
5. The Director, ICDS, Bihar, Patna.
6. The Joint Director, ICDS, Directorate, Bihar, Patna -cum- Enquiry Officer.
7. The Section Officer (Charge Branch), Social Welfare Department, Bihar, Patna - cum- Presenting Officer.
8. The District Magistrate, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Indu Bhushan, Advocate
For the State	:	Mr.Md. Raisul Haque (Sc10)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-11-2023 1. The present writ petition has been filed
seeking the following relief:-

*“That this writ application is directed for
issuance of an appropriate writ in the
nature of certiorari for quashing the
impugned order of penalty issued vide
Memo No. संक० निग०.-30-136/111-2478
dated 28.05.2013 (contained in
Annexure-6) issued by under the
signature of Respondent no.2) whereby*



and whereunder in a departmental proceeding under Rule 14 of Bihar CCA Rules, 2005 penalty has been imposed for withholding of four increments of pay with cumulative effect."

2. At the outset, the learned counsel for the respondent-State has pointed out that the appeal filed by the petitioner on 26.06.2013, against the order of punishment dated 28.05.2013, passed by the Special Secretary to the Government, Social Welfare Department, Government of Bihar, Patna is not maintainable and in fact, a memorial should have been filed as per Rule 24(2) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005.

3. The learned counsel for the petitioner submits that the appeal of the petitioner may be treated as a review petition (memorial) and the appropriate authority be directed to decide the same, within a stipulated time frame.

4. Having regard to the fair submission made by the learned counsel for the petitioner, I deem it fit and proper to direct the reviewing



authority to treat the aforesaid appeal dated 26.06.2013, filed by the petitioner, as a review petition, consider the same on merits and pass a reasoned and a speaking order, within a period of six weeks of receipt/production of a copy of this order.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

kanchan/-

U			
---	--	--	--

