

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13456 of 2021

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Nand Kishore Upadhyay S/o Sukdeo Upadhyay, R/o Ward No. 01, Amava,
Turkaulia, P.S.-Turkaulia, District-East Champaran at Motihari, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. The Principal Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-Cum-Additional Secretary-Cum-Special Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
4. The Chief Engineer, Public Health and Engineering Department, Government of Bihar, Muzaffarpur.
5. The Superintending Engineer, Public Health and Engineering Circle, Motihari, District- East Champaran at Motihari.
6. The Executive Engineer, Public Health and Engineering Division Motihari, District East Champaran at Motihari.
7. The Assistant Engineer, Public Health and Engineering Sub-Division, Raxaul, District East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Yashraj Bardhan, Advocate
For the State	:	Mr.Arvind Ujjwal (Sc4)
		Mr. Maruth Nath Roy, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-11-2023 1. The present writ petition has been filed seeking the following reliefs:-

“i. For setting aside the Office Order No.276, dt. 23.12.2020 as contained in Memo No.1079, dated 23.12.2020 issued by Respondent No.6 (Executive Engineer, Public Health and Engineering Division, Motihari) whereby and whereunder in most illegal, callous and unreasonable manner, and without following



the due procedure of law, without proper enquiry and a report, the charges levelled against petitioner have been held to be found true, in one line and an order for (a) stopping two regular increments with cumulative effect, (b) warning to take disciplinary action in case he is found to be engaged in any work related to Employees Association etc., has been passed,

ii. For direction or directions to the respondent authorities to make payment of full salary of suspension period, i.e., 26.11.2018 to 23.12.2020 as the said action of the respondent no. 06 was quite arbitrary, illegal and beyond the rules,”

2. At the outset, the learned counsel for the petitioner has submitted by referring to paragraph no.18 of the present petition that the petitioner has already filed an appeal before the Superintending Engineer, Public Health Engineering Circle, Motihari, hence the same be directed to be considered in accordance with law and disposed off expeditiously.

3. Having regard to the limited prayer made by the petitioner, I deem it fit and proper to direct the Superintending Engineer, Public Health Engineering Circle, Motihari to consider the aforesaid appeal, filed by the petitioner, in accordance with law and dispose off the same, in case the same has not yet been disposed off by passing a reasoned and a speaking order, within a period of eight weeks of



receipt/production of a copy of this order.

4. At this juncture, the learned counsel for the petitioner submits that in case the aforesaid appeal has not yet been disposed off, the petitioner be granted liberty to file a supplementary affidavit, which shall be filed, within a period of two weeks from today. Liberty so sought is granted.

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

(Mohit Kumar Shah, J)

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