

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4320 of 2024

Prabhat Bhushan Son of Shri Yogendra Bhushan, Resident of Flat No. C-1/202, Jalalpur City, PS - Rupaspur, Danapur, Permanent resident of Village - Chakhusaini, P.O. - Mansi, P.S. - Mansi, District - Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, General Administrative Department, Old Secretariat, Patna.
3. The Principal Secretary, Department of Social Welfare, Government of Bihar, Old Secretariat, Patna.
4. The Additional Secretary, General Administrative Department, Old Secretariat, Patna
5. The Additional Secretary, Department of Social Welfare, Government of Bihar, Old Secretariat, Patna
6. The District Magistrate, Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shantanu Kumar, Advocate
For the Respondent/s : Mr.Standing Counsel 9

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-03-2024 The present writ petition has been filed
seeking the following reliefs:-

"1. I. The notification issued under pen and signature of Officer on Special Duty vide Memo No. 27 / Arop / 1-16-/ 2019 sa0/prs 0 5772 / Patna dated 24.03.2023 whereby and where under a punishment has been imposed on the petitioner in the following manner:-



(KA) CENSURE (CHARGE YEAR 16-17),

AND

(KHA) order to withhold two increment with non cumulative effect

II. The order dated 24.11.2023 issued under pen and signature of The Additional Secretary, General Administration Department vide Memo No. 27/ aarop 0116/2019 Sa0.Pra0 21638/ Patna 15, whereby APPEAL filed by the petition has been dismissed on the ground of limitation."

2. At the outset, the learned counsel for the petitioner submits that the appeal filed by the petitioner has been dismissed by an order dated 24.11.2023 passed by the Deputy Secretary to the Government, General Administration Department, Government of Bihar, Patna on the ground of the same being time barred inasmuch as the impugned order of punishment was passed on 24.03.2023, whereas the appeal has been filed by the petitioner only on 06.11.2023. The learned counsel for the petitioner has further submitted



that the impugned order dated 24.03.2023, awarding the punishment qua the petitioner herein was served upon the petitioner after much delay, hence the same had resulted in delayed filing of the appeal in question.

3. *Per contra*, the learned counsel for the respondent-State submits that in case this Court remands the matter back to the appellate authority, the appeal of the petitioner shall be examined on merits and a reasoned and a speaking order shall be passed thereon within a stipulated time frame, as is directed by this Court.

4. Having regard to the facts and circumstances of the case, in the interest of justice and considering the equities prevailing in the present case, I deem it fit and proper to set aside the order dated 24.11.2023 passed by the Deputy Secretary to the Government, General Administration Department, Government of Bihar, Patna and direct the appellate authority to re-consider the appeal filed by the petitioner on 06.11.2023, on merits, without being impeded by



the issue of limitation and pass a reasoned and a speaking order thereon within a period of six weeks from today.

5. The writ writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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