

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1586 of 2019

In
Civil Writ Jurisdiction Case No.7026 of 2018

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1. The State of Bihar Bihar.
 2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
 3. The Joint Secretary, Rural Works Department, Government of Bihar, Patna.

... .. Appellant/s

Versus

Ashok Kumar Son of Sri Sheo Ghahan Ram Resident of Mohalla- Dharhara,
P.S.- Ara, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Mritunjay Kumar (Ac To Aag 6)
For the Respondent/s	:	Mr.Prabhu Nath Pathak
		Mr. Lalit Kishore, Sr. Adv.
		Mr. Kanishka Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 03-04-2024

Re:- I.A. No. 03 of 2024

Heard I.A. No. 03 of 2024 for condonation of

delay in filing LPA No. 1586 of 2019. Earlier I.A. No. 01 of 2019 for condonation was filed and there were certain defects in order to overcome that I.A. No. 03 of 2024 has been filed for condonation of delay of 109 days. Perusal of the reasoning, we are satisfied and that apart contesting respondent has not filed any objection to I.A. for



condonation of delay. Accordingly, I.A. No. 03 of 2024 for condonation of delay in filing LPA for about 109 days stands condoned. I.A. No. 03 of 2024 is allowed.

2. The appellants-State have assailed the order of the learned Single Judge dated 18.07.2019 passed in CWJC No.7026 of 2018. Respondent-Executive Engineer was subjected to disciplinary proceedings on certain allegation insofar as execution of construction of bridge work. Inquiry Officer exonerated the respondent in the result Disciplinary Authority was required to invoke sub Rule 2 of Rule 18 of Bihar CCA Rules 2005. Perusal of annexure-7 notice, it is not crystal clear insofar as compliance to sub Rule 2 of Rule 18 of Bihar CCA Rules 2005. We find there is no infirmity in the impugned order dated 18.07.2019. In fact on technicalities impugned penalty order was set aside. There are no financial irregularities in the alleged charges so as to remand the matter to the disciplinary authority.

3. Learned counsel for the appellants submitted that there are no financial loss cause to the State exchequer in view of certain alleged misdeeds stated to have been committed by the respondent and it was subject matter of



this lis. Therefore, it is not a case warranted for remand in the light of Hon'ble Supreme Court decision in the case of *Managing Director, ECIL V. B. Karunakar reported in (1993) 4 SCC 727* read with *Chairman-cum-Managing Director, Coal India Limited & Ors. V. Ananta Saha and Others reported in (2011) 5 SCC 142*. Accordingly, the appellants have not made out a case. Hence, LPA stands dismissed.

4. Pending I.A(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

