

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19707 of 2018

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Ashok Kumar Pandey Son of late Sadhu Saran Pandey Resident of Mohalla-Dam-aria,P.S.-Anishabad,P.S.-Gardanibagh,Distt.-Patna-800001

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, New Secretariat, Govt. of Bihar, Patna
2. The Excise Commission, New Secretariat,Patna
3. The Joint Secretary,New Secretariat,Patna
4. The Excise Superintendent of Police, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate
For the Respondent/s : Mr. Anil Kr. Sinha- Gal

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-05-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for the
following reliefs:

*(i) For issuance of an appropriate Writ,
Order or Direction for quashing the
Order, contained in Memo No.8 Ara U
(Arop)-16/2016 396 Patna dated
30.1.17, issued under the signature of
Secratory to Excise Commissioner,
Bihar, Patna whereby and whereunder
the petitioner has been inflicted
punishment of deduction of two
increments.*



(ii) For issuance of an appropriate Writ, Order or Direction to the respondent-authorities to give difference of salary to the petitioner after adding two increments in his pay scale after allowing relief No. 1,

(iii) For issuance of an appropriate writ, Order or direction to the respondent-authorities to give all consequential benefits after allowing relief No. 1.

(iv) For any other relief or reliefs the petitioner may be entitled in the facts and circumstances of the case.

3. Learned counsel for the State raised a preliminary objection and submits that order impugned is Annexure-7, contained in Memo No. 396 dated 30.01.2017, which is an order of minor punishment, passed after conclusion of departmental proceeding. Counsel submits that the said order is appealable in nature. Therefore, petitioner may be directed to prefer an appeal.

4. After hearing the parties, it transpires to this Court that a statutory remedy of appeal is available to the petitioner and the question of minor and major penalties is already covered under the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.



5. As such, this writ petition is hereby disposed off granting liberty to the petitioner to avail remedy of appeal before the appropriate forum within 30 days from today. The Appellate Authority shall decide the appeal within 60 days from the date of receipt/production of a copy of this order. It is made clear that the delay, if any, in filing the appeal due to pendency of the writ petition, shall be condoned.

(Dr. Anshuman, J)

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