

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.40 of 2024

In

Civil Writ Jurisdiction Case No.7841 of 2023

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Ramchandra Paswan Son of Sri Basudeo Paswan Resident of Mohalla-
Saguna More, P.S.- Danapur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar Through the principal secretary, Rural works Department, Govt. of Bihar, Patna.
2. The Engineer-in-Chief, Rural works Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Rural works Department, Govt. of Bihar, Patna.
4. The Special secretary, Rural works Department, Govt. of Bihar, Patna.
5. The superintendent Engineer, Rural works Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Ms Priyanka Singh, Adv.

For the Respondent/s : Mr.Ajay (GA-5)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 29-04-2025

Re:- I.A. No. 1 of 2025

The aforementioned interlocutory application has been pressed for condoning the delay of 64 days in filing the appeal.

2. For the reasons stated in the application, the delay in filing the appeal is condoned.

3. Interlocutory application no. 1 of 2025 stands



allowed.

LPA No. 40/2024.

4. The appellant has challenged the judgment dated 09.10.2023 passed in CWJC No. 7841 of 2023 refusing to interfere with the order of suspension against the appellant.

5. A perusal of the impugned judgment indicates that the charge memo against the appellant had already been filed by then and the appellant had conceded that he would approach the authorities for enhancement of his subsistence allowance.

6. The reason for the appellant to prefer this appeal is that for the last three years, he has been under suspension and the proceeding has yet not been taken to any logical conclusion.

7. The appellant is shortly to superannuate.

8. However, this fact cannot be a ground for challenging the judgment impugned for the reason that it was passed by the consent of the appellant /writ petitioner, and that at that moment, there was no application pending



before the authorities for enhancement of his subsistence allowance. We, therefore, are not inclined to interfere with the judgment of the learned Single Judge.

9. The appeal is dismissed.

10. However, we do observe that since the appellant has remained under suspension for three years and is shortly to superannuate, the proceedings should be concluded as early as possible. The representation of the appellant, if any, pending consideration should also be disposed off expeditiously.

11. The Interlocutory Application/s, if any, also stand disposed of.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	01.05.2025
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