

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5664 of 2023

=====

Baleshwar Narayan Singh Son of Sri Shambhu Nath Singh, resident of
Supriya Cinema Road, Kamalanath Nagar, Bettiah, P.S. - Bettiah, District -
West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Old Secretariat, Patna.
3. Deputy Secretary, Rural Development Department, Government of Bihar, Old Secretariat Patna.
4. The District Magistrate, East Champaran, Motihari.
5. The District Magistrate, West Champaran at Bettiah.
6. Balamurugandee, Son of not known at present working as Secretary, Rural Development Department, Old Secretariat, Patna.
7. Rajesh Parimal, Son of not known the then Deputy Secretary-cum-Conducting Officer, Rural Development Department at present posted as Deputy Secretary in C.M. Secretariat, Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Pratap Sharma, Adv.
For the Respondent/s	:	Mr. Vinay Kirti Singh, G.A.-2
	:	Mr. Venkatesh Kirti, AC to GA-2

=====

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

5 08-01-2025 Heard learned counsel for the petitioner as well as

learned counsel for the respondents-State.

2. This writ petition is preferred by the petitioner

seeking following reliefs;

*“That this writ petition is being filed for quashing
the order dated 22.02.2023 passed by respondent
No.6 whereby and whereunder without any
evidence as well as without proving the charges
and without considering the reply filed by*



petitioner the major punishment has been awarded to the petitioner for recovery of 10% amount of pension upto 5 years without considering the vital aspect that departmental proceeding has been initiated on the basis of F.I.R. lodged against the petitioner in 2013 which is pending and till date nothing has been found as yet and for other necessary relief/reliefs on the basis of facts and circumstances of the case.”

3. It is submitted by the learned counsel for the petitioner that an F.I.R. was registered against the petitioner bearing Sugauli P.S. Case No. 272 of 2013 on 26.08.2013 but no charge sheet has been filed pursuant to the said F.I.R. before the competent court of Magistrate. However, on the basis of the certain allegation made in the F.I.R. regarding irregularities committed by the petitioner, a departmental proceeding has been initiated against him. It is further submitted that in the departmental proceeding, the inquiry officer found the charges proved levelled against the petitioner. After the departmental inquiry, the inquiry officer submitted its report i.e. Annexure-9. Pursuant to the said report, subsequently, the order of punishment has been passed by the respondent No.6 vide its order dated 22.02.2023 i.e. Annexure-12, which is under challenge before this Court.



4. Learned counsel for respondent-State submits that the order of punishment i.e. Annexure-12 is appealable and appeal would lie before the respondent No.2 i.e. The Principal Secretary, Rural Development Department, Government of Bihar.

5. Learned counsel for the petitioner fairly admitted the fact that against the order of punishment (Annexure-12), he has not preferred any appeal. However, learned counsel for the petitioner sought liberty from this Court to permit him to file duly constituted appeal before the competent authority i.e respondent No.2 and in turn, he may also be directed to consider and decide the appeal within the stipulated time fixed by this Court.

6. Having heard the submission put-forth by both the parties, this petition is disposed of. The petitioner is directed to firstly make a duly constituted appeal against the impugned order dated 22.02.2023 (Annexure-12) before the respondent No.2, The Principal Secretary, Rural Development Department, Government of Bihar within thirty days from today and in turn, the respondent No.2 shall consider and decide the appeal in accordance with the relevant Rules and law as early as possible preferably within



a period of 90 days from the submission of such appeal.

7. It is further directed that till the final outcome of the appeal, the operation and effect of the order dated 22.02.2023 i.e. Annexure-12 shall remain stayed.

8. However, liberty is also granted to the petitioner to move a fresh application before this Court, if occasion will arise later on.

(Arvind Singh Chandel , J)

brajesh/-

U			
---	--	--	--

