

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10822 of 2025

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Praduman Kumar Prasad Son of Late Krishan Deo Prasad Resident of Village
-Mahammadpur P.S.-Patahi District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, SC/ST Welfare Department, Govt. of Bihar, Patna.
2. The Director, SC/ST Welfare Department, Govt. of Bihar, Patna.
3. The Deputy Director, SC/ST Welfare Department, Govt. of Bihar, Patna.
4. The District Welfare Officer, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashank Chandra, Advocate

For the Respondent/s : Mrs. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-07-2025 Learned counsel for the petitioner and learned
counsel for the State are present.

2. The present writ petition has been filed for quashing the order contained in Memo No. 2857 dated 25.04.2025 (Annexure-P/23), passed by the Director, SC/ST Welfare Department, Government of Bihar, Patna (Respondent No. 2), for quashing the charge memo dated 02.03.2013 containing six charges (Annexure-P/3), and for quashing the Enquiry Report dated 18.10.2022 (Annexure-P/14) submitted by the Deputy Director, SC/ST Welfare Department, Government



of Bihar, Bhagalpur (Respondent No. 3). The petitioner further prays for a direction upon the respondents to pay full salary from the date of suspension, after deducting the subsistence allowance already paid, and to release full pension, gratuity, and earned leave encashment, after adjusting the pension amount received by the petitioner until the issuance of the impugned order of punishment, and to act strictly in accordance with law.

3. Learned counsel for the State raised preliminary objection and submits that the order impugned is the punishment order passed by the disciplinary authority which is challengeable under Rule 24 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'CCA Rules, 2005').

4. Learned counsel for the petitioner, in response thereof opposes the said contention of the State and submits that since, the petitioner is now retired and ceased to be a Government servant, therefore appeal shall not lie.

5. In view of the aforesaid submission of the parties, it is pertinent to quote Rule 24 of the CCA Rules, 2005, as follows:-

“24. Appellate Authorities.-(1) A Government Servant, including a person who has ceased to be in government service, may prefer an



appeal against the orders specified in Rule 23 to the authority specified in this behalf by a general or special order of the Government or, where no such authority is specified:-

(i) where such Government Servant is or was a member of Civil Service, Group-A or Group-B or holder of Civil Post, Group-A or Group-B,-

(a) to the appointing authority, where the order appealed against is made by an authority subordinate to it; or

(b) to the Government where such order is made by any other authority;

(ii) where such Government servant is or was a member of a Civil Service, Group-C or Group-D, to the authority to which the authority making the order appealed against is immediately subordinate.

(2) There shall be no appeal against the orders of the Government, however, review petitions may be filed in the form of Memorials.

(3) Where the person, who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate or to



*an authority specially authorised for this purpose
by the Government.”*

6. Upon perusal, it transpires to this Court that Rule 24 of the CCA Rules, 2005 categorically states that a Government servant, including a person who has ceased to be in government service, may prefer an appeal against the order specified in Rule 23 to the authority specified.

7. Here in the present case, the impugned order of punishment has been passed, which, in the opinion of this Court, is appealable.

8. Accordingly, the present writ petition stands disposed off, granting the petitioner to avail the remedy of appeal before the appropriate forum within 30 days from today.

9. It is made clear that delay, if any, in filing the appeal is hereby directed to be condoned.

(Dr. Anshuman, J.)

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