

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1589 of 2019

In

Civil Writ Jurisdiction Case No.10846 of 2011

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Ajay Kumar Singh, Son of Late Vijay Pratap Singh, Resident of Mohalla-
Vijay Nagar, P.S.-Danapur, District-Patna.

... .. Appellant.

Versus

1. The State of Bihar.
2. The Secretary, Road Construction Department, Bihar, Patna.
3. The Special Secretary, Road Construction Department, Bihar, Patna.
4. The Deputy Secretary, Road Construction Department, Bihar, Patna.

... .. Respondents.

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Appearance :

For the Appellant : Mr. Prabhu Nath Pathak, Advocate.
For the State : Mr. Ashok Kumar Dubey, AC to AAG-XI.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL JUDGMENT

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

Date : 08-07-2025

The appellant has assailed the order of the learned
Single Judge dated 22.07.2019 passed in C.W.J.C. No.10846 of
2011.

2. The appellant-Ajay Kumar Singh has assailed the
order of penalty in a departmental inquiry, namely, withholding
of four annual increments without cumulative effect on
31.05.2011. Such order has been passed by the Special Secretary
of the Road Construction Department, Bihar, Patna.

3. In not exhausting Review Petition/Memorial under



Rule 24(2) of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005, the learned Single Judge has proceeded to dispose of the writ petition (C.W.J.C. No.10846 of 2011), asking the petitioner/appellant to invoke remedy insofar as filing Review Petition/Memorial under Rule 24(2) of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.

4. It is to be noted that C.W.J.C. No.10846 of 2011 was pending consideration for about 8 years. It is not appropriate on the part of the learned Single Judge, asking the petitioner/appellant to invoke remedy of Review Petition/Memorial after lapse of about 8 years. That apart, Review Petition/Memorial may not be resorted to by the petitioner/appellant for the reasons that Review Petition/Memorial would be decided in consultation with the author of the penalty. Therefore, it may not be a fit case of remedy for the petitioner/appellant.

5. In the light of these facts and circumstances, the order of the learned Single Judge dated 22.07.2019 passed in C.W.J.C. No.10846 of 2011 stands set aside.

6. C.W.J.C. No.10846 of 2011 stands restored on the file. Registry is requested to put up C.W.J.C. No.10846 of 2011



before the concerned Roster Bench at the earliest. Concerned Roster Bench is requested to decide C.W.J.C. at the earliest in view of the fact C.W.J.C. is of the year 2011.

7. With the above observations, the present L.P.A. No.1589 of 2019 stands allowed.

8. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2025.
Transmission Date	NA

