

In The Court of Commissioner, Saran Division, Chapra
Service Appeal No. 373/2013
Kanhaiya Lal Prasad
Vrs.
The State of Bihar & Ors.
ORDER

The instant appeal application is directed against the impugned order passed by the District Magistrate as contained in memo No. 1666/Estt. dated 19.11.2013 whereby and whereunder the appellant was dismissed from service on the alleged charges of he being arrested red handed, while accepting money, by a trap team of vigilance department.

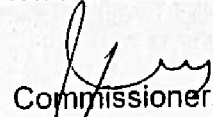
The appellant's prayer is that as per the provision of Bihar CCA Rules- 2005, the designated appellate authority is the Divisional Commissioner, hence this appeal has been filed here and the same may be admitted.

The learned G.P. appearing on behalf of the state submits that it is not in dispute that the appellate authority is the Divisional Commissioner, but this appeal having no merit and it is fit to be dismissed at the admission stage itself. He further states that the Govt. of Bihar has taken a very tough stand in such cases wherein the Govt. employees have been arrested by vigilance sleuths red handed while taking money and these employees are being dismissed on the basis of proved charges against them in the deptt. proceeding and also a criminal case is pending against him and the said criminal trail has not yet been concluded by the concerned court.

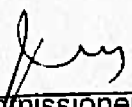
Having heard, the learned counsels, I am also of the view that there is no substantial ground for admitting this case at this juncture as the appellant is also facing the criminal trial for the alleged offence in the competent vigilance court which has not yet been finally decided.

With aforesaid observation, this appeal is disposed of.

Dictated & Corrected by me


Commissioner,
Saran Division, Chapra

14/4/2014


Commissioner,
Saran Division, Chapra
16/4/2014