

In The Court of Commissioner, Saran Division, Chapra

Service Appeal No. 08/2016

Sumit Kumar

Vrs.

D.M. Siwan

ORDER

30.01.2016 The instant appeal petition is directed against the impugned order as contained in memo No. 1122/Estt. dt. 12.12.14 whereby and whereunder the appellant's engagement as Block I.T. Assistant was terminated with immediate effect.

The brief facts of the case are that the appellant Sumit Kumar S/o Ram Adhar Chaubey, R/o Mohala- Sivaji Nagar, P.S and District-Siwan was selected as Block I.T. Assistant on contractual basis pursuant to the guidelines and directions contained in letter No. 141 dt. 15.03.11 issued by Additional mission Director of Bihar Administrative Reforms society of General Administration Deptt. Govt. of Bihar, Patna. Subsequent to his selection the appellant was posted in Bhagwanpur Hat Block. Later on the concerned BDO of the block reported to the D.M. about alleged slackness in the day to day work of the appellant. Thereafter, the learned D.M. while acting on the said report finally decided to disengage the appellant and accordingly passed the termination order on 12.12.14. Feeling aggrieved by the said order the appellant has preferred this appeal case before this Court.

Heard the learned counsel for the parties on the point o maintainability of this case before this Court.

The learned counsel appearing on behalf of the appellant strongly argued that this appeal is maintainable before this Court as the appellant's service from contract post has been terminated by D.M. He further argued that as the appellâte power is vested in the Div. Commissioner under the Bihar CCA Rules-2005 the case of he petitioner can also be decided here because the termination order has been passed by D.M. However, the learned G.P. on the other hand, while opposing the pleas forwarded by the learned counsel for the appellant argued that there is no provision of any appeal before this Court in the said letter of the Govt. through which the appellant has been appointed on contract post and he can also not be equated with the general Govt. servant in the matter of service conditions.

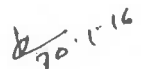
Thus, from the above averments of learned G.P. I find that the appellant's case is not maintainable before this Court in absence of any relevant instructions/rules or provision.

Accordingly, this appeal petition is dismissed for want of maintainability before this Court.

Dictated and Corrected by me.


Commissioner,

Saran Division, Chapra


Commissioner,
Saran Division, Chapra