

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 7804 of 2017

in

L.P.A. No. 569 of 2016

Ram Bilash Sahu

Versus

... ..

Appellant

The State of Jharkhand & Ors.

... ..

Respondents

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**CORAM: HON'BLE MR. JUSTICE D.N. PATEL**

**HON'BLE MR. JUSTICE AMITAV K. GUPTA**

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For the Appellant:

M/s Krishna Murari

For the Respondents: M/s Jai Prakash, A.G.

Rishi Pallava, A.C. to A.A.G.

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**15/Dated 29<sup>th</sup> August, 2018**

***Per D.N. Patel, J.***

1. This matter is admitted.
2. Counsel for the respondents waives Notice of Admission.

**I.A. No. 7804 of 2017**

3. This Interlocutory Application has been preferred praying for stay of the impugned judgment dated 6<sup>th</sup> October, 2016 passed in W.P.(S) No. 3453 of 2014 as well as for stay of impugned Notification of punishment dated 3<sup>rd</sup> December, 2015 (Annexure 13 to the memo of the Letters Patent Appeal).
4. So far as the interim stay is concerned, it appears that there is no prima-facie case in favour of the appellant looking to the chargesheet issued upon this appellant ( Annexure 2 to the memo of this Letters Patent Appeal). Moreover, looking to the Enquiry Officer's report, charges levelled against this appellant have been proved and looking to the Disciplinary Authority's order dated 3<sup>rd</sup> December, 2015 (Annexure 13 to the memo of the Letters Patent Appeal) and looking to the quantum of punishment, there is no prima facie case in favour of this appellant. Moreover, balance of convenience is also not in favour of this appellant and no irreparable loss will be caused to the appellant if stay is not granted. On the contrary, if the amount is paid to the appellant reversing the order of the Disciplinary Authority, it will cause irreparable loss to the respondent State.

5. The Stay, as prayed for, is not granted. **I.A. No. 7804 of 2017** is dismissed.

**L.P.A. No. 569 of 2016**

6. Registry is directed to enlist this appeal on **14<sup>th</sup> August, 2019.**

(D.N.Patel, J.)

(Amitav K. Gupta, J.)