

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17058 of 2008

=====

Gorakh Lal Bishwas, son of Late Sitay Bishwas, resident of Village: Moura, P.O. Raharfa, P.S. Nirmali, District Supaul

.... Petitioner/s

Versus

1. State of Bihar through the Chief Secretary
2. Secretary, Registration, Excise and prohibition Deptt. Govt. of Bihar, Patna
3. Secretary –cum- Inspector General, Registration, Govt. o Bihar, Patna
4. Assistant Inspector General, Registration, Govt. of Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Tuhin Shankar

For the Respondent/s : Mr. P.N.Sharma, AC to AG

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 07-05-2015

There are two specific assertions made in the writ application which goes to the root of the matter which is whether in the above background the order of punishment can be held to be valid. The assertions are reproduced herein below :

“13. That it is stated here that thereafter an enquiry was conducted into the charges leveled against the petitioner as mentioned in the foregoing paragraphs and it is rather startling to note here that the said Shri Vimla Prasad who had been appointed as the conducting officer of the enquiry against the petitioner was also the enquiry officer the said departmental proceeding.

14. That it is stated here that the said departmental proceeding was concluded but unfortunately, the petitioner was never furnished a copy of the enquiry

report and all of a sudden, a notification dated 07.03.2006 was issued by the Registration Dept. stating therein that the petitioner was found guilty of the charge of having approved the complete pension of one Md. Ghulam Kamaruddin against who certain grave charges were pending and as such, a punishment of “Warning” was inflicted upon the petitioner, which was also to be entered into his service book.”

If what has been stated above and they have not been negated in the counter affidavit of the respondents then the order of punishment contained in Annexures 9 and 11, which is order of punishment as well as the order of rejection by the appellate authority dated 25.11.2006 and 25.7.2007 respectively, are hereby quashed.

Writ application is allowed because it is a serious omission on the part of the disciplinary authority in the manner in which the enquiry was held against the petitioner.

(Ajay Kumar Tripathi, J)

sk

U			
---	--	--	--