

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1263 of 2014

IN

Civil Writ Jurisdiction Case No. 6131 of 2010

- =====
1. The State of Bihar
 2. The Commissioner, Patna Division, Patna
 3. The District Magistrate, Patna
 4. The Additional District Magistrate (Election), Patna
 5. The Additional District Magistrate (General), Patna
 6. The Sub - Divisional Police Officer, Paliganj, Patna

.... Appellant/s

Versus

1. S.M.Abu Hamid Son of Syed Mohammad resident of Fashebad Ka Maidan P.S.
Chauk, District - Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Anis Akhtar, Advocate

For the Respondent/s : Mr. Arup Kumar Chongdar, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-04-2015

This appeal is preferred against the order dated 13.9.2011
passed by the learned Single Judge in C.W.J.C. No.6131 of 2010.

The writ petition was filed by the respondent herein
challenging the order of punishment dated 22.11.2007. It was
alleged that on account of negligence on the part of respondent a
fire incident had occurred at a place where ballot papers for
Paliganj Assembly Constituency was stored. Respondent
submitted explanation denying the charges. Similar charges were
framed against two more persons. Almost against all the three

employees, similar orders of punishment denying further increments were passed.

The learned Single Judge found that not a single witness was examined during the departmental proceeding and charges were found to be true. The learned Single Judge allowed the writ petition.

Heard learned counsel for the appellants and the respondent.

It may be true that the matter ought to have been remanded back for resumption of the departmental proceedings, if it is established that no witness was examined during the course of departmental enquiry. However, occasion to remand the matter at this stage is obviated on account of the fact that all the benefits were extended to the respondent. There is no point in reopening the matter.

The appeal is dismissed.

(L. Narasimha Reddy,CJ)

Jay/-Vinay/

(Shivaji Pandey, J)

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