

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2448 of 2015

=====

Anant Kumar Son of Anugrah Singh Resident of At and PO- Mokar, PS and District- Jehanabad.

.... Petitioner

Versus

1. The Bihar State Power Holding Company Limited through its Chief Managing Director, Vidyut Bhawan , Bailey Road, Patna.
2. The Managing Director, South Bihar, Power Distribution Company limited, Vidyut Bhawan , Bailey Road, Patna.
3. The General Manager (HR and Administration), South Bihar, Power Distribution Company limited, Vidyut Bhawan , Bailey Road, Patna.
4. The Deputy General Manager (HR), South Bihar, Power Distribution Company limited, Vidyut Bhawan , Bailey Road, Patna.
5. The Deputy Manager, Electric Supply Area, Bhagalpur. ..
6. The Deputy Director Personnel, Bhagalpur area Board, Bhagalpur.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Bajarangi Lal

For the Respondent/s : Mr. Vinay Kirti Singh

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 11-02-2015 Heard learned counsel for the parties as with regard to the following relief prayed in this writ application:-

"(i) For quashing of order contained in letter no. 12 dated 03.01.15 issued by the respondent no. 3, General Manager (HR), South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna by which appeal filed by the petitioner against order of punishment contained in resolution no. 863 dated 15.04.2011 has been dismissed and the punishment awarded to the petitioner has been affirmed.

(ii) That further for quashing of resolution no. 863 dated 15.04.11 issued by the then Joint Secretary of erstwhile Bihar State Electricity Board, Patna contained in memo no. 863 dated 15.03.2011/15.04.2011 by which

petitioner has been awarded punishments of Censure and stop-page of annual increment with non-cumulative effect.

(iii) That further for a direction upon respondents to grant consequential benefits including seniority and promotion etc. to which petitioner is entitled."

2. Pursuant to the order of this Court dated 09.02.2015 learned counsel for the Respondent Company has produced the main file no. III/BHG-Alleg-22011/2010 .

3. Having regard to the averments made in this writ application as also on perusal of the aforesaid main file when the fact gets established that the impugned order as also its affirming appellate order is based on the report of three officials dated 16.12.2010 which was never brought to the notice of the petitioner at the time of directing him to file his show cause reply on 29.10.2010, the impugned order dated 15.04.2011 would definitely stand vitiated for relying on an extraneous material. The appellate order dated 23.12.2014 also cannot be sustained because when this issue was raised by the petitioner in his memo of appeal the appellate authority has only passed a cryptic one line order that no new material has been raised in the appeal.

4. Thus, both the original order of punishment and the appellate order are bad and are hereby quashed and the matter is remitted back to the original disciplinary authority to supply the

petitioner the copy of the report of the three officials and/or any other material on the basis of which the allegation against the petitioner of taking work from the son of the employee can be substantiated. As and when such material will be supplied to the petitioner he will be under obligation to file his reply whereafter any appropriate order as per provisions of the Disciplinary Control and Appeal Rules so far it relates to minor punishment will be passed in accordance with law.

5. With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

U			
---	--	--	--