

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12361 of 2008

Vimalleshwar Kumar Sinha Son of Late Prem Das Sinha, Resident of Village-Injore, P.S. Mehandia, District Arwal

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna
3. The Secretary, Road Construction Department, Govt. of Bihar, Patna
4. The Engineer-in-Chief- cum- Additional Commissioner- cum- Special Secretary, Road Construction Department, Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. P.N.Pathak

For the Respondent/s : Mr. P.K.Verma, AAG 5

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-04-2015

Heard counsel for the petitioner and counsel for the State.

In an identical manner yet another person, namely, the Executive Engineer was also proceeded against and punishment contained in Annexure- 1 came to be imposed. The said punishment order was challenged in CWJC No.2993 of 2008, which came to be decided on 29.4.2011, copy of the said order is Annexure- 9 annexed with the rejoinder to the counter affidavit on behalf of respondents 2 to 4. The rational and reasoning given by the learned Single Judge also applies to the case of the present petitioner.

Writ application is allowed. Annexure- 1 is quashed with liberty to the disciplinary authority to issue a fresh notice giving reasons and material for disagreement and thereafter on the response

of the petitioner, a new order with regard to punishment, if required
to be imposed, will be passed.

(Ajay Kumar Tripathi, J)

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