

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.53 of 2015

IN

Miscellaneous Jurisdiction Case No. 549 of 2012

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Kapildeo Das, son of Late Kaleshwar Das, resident of village- Moushani, P.S.-
Kajra, District- Lakhisaria

.... Petitioner/s

Versus

1. The State of Bihar/ Jharkhand through Commissioner cum Secretary, Govt. of Bihar, Patna/ Govt. of Jharkhand, Ranchi. (Mr. Sudhir Kumar)
2. Mr. Dharemdeo Choudhary, Engineer-in-Chief, R.E.O Rural Development, Department, Patna, Bihar/Ranchi, Jharkhand.
3. Mr. Achhelal Ram, Chief Engineer, R.E.O Rural Development Department, Patna, Bihar/Ranchi, Jharkhand.
4. Mr. Awadesh Rajak, Superintending Engineer, R.E.O Rural Development Department, Patna, Bihar/Dumka, Jharkhand.
5. Mr. R. Pathak, the Executive Engineer, R.E.O. Works Division, Sahebganj, Jharkhand/ Jehanabad, Bihar.
6. The Principal Secretary, Road Construction Department, Road Division, Govt. of Jharkhand, Ranchi.
7. The Commissioner cum Secretary, Road Construction Department, Govt. of Jharkhand, Ranchi.
8. The Engineer-in-Chief, Road Construction Department, Road Division, Govt. of Jharkhand, Ranchi.
9. The Chief Engineer (M) Road Construction Department, Govt. of Jharkhand, Ranchi.
10. The Superintending Engineer, Road Construction Department, Hazaribagh, Jharkhand.
11. The Executive Engineer, Road Construction Department, Bokaro, Jharkhand.
12. The Assistant Engineer, Road Construction Department, Chas Bokaro, Jharkhand
13. Mr. Sudhir Kumar, Commissioner cum Secretary, Building Construction Department, Govt. of Bihar, Patna.
14. Mr. Rajendra Choudhary, the Engineer-in- Chief, Building Construction Department, Patna, Bihar.
15. Ramesh Kumar, the Chief Engineer, Building Construction Department, Patna, Bihar.
16. Mr. Ramesh Kumar, the Superintending Engineer, Building Construction Department, Purnia, Bihar.
17. The Executive Engineer, Building Construction Department, Kishanganj, Bihar.
18. Mr. Yogesh Chandra Das, Deputy Secretary, R.E.O. Rural Development Department, Govt. of Jharkhand, Ranchi.
19. The Deputy Secretary, Road Construction Department, Govt. of Jharkhand, Ranchi.
20. Mr. Sushil Kumar, the Deputy Secretary, Building Construction Department, Govt. of Bihar, Patna.

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr.
For the Opp. Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
ORAL JUDGMENT
Date: 13-07-2015

Though petitioner was exonerated by the Enquiry Officer but the Disciplinary Authority i.e. Engineer-in-Chief-cum-Additional Commissioner- cum- Special Secretary after service of notice indicating the grounds for differing with the findings recorded by the Enquiry Officer and after considering the reply received from the petitioner has passed reasoned order bearing Memo No. 2786 dated 07.03.2014 whereunder petitioner has been punished for the charge of unauthorized leave and for the period during which he remained under unauthorized leave, his salary has also been withheld.

It is submitted on behalf of the petitioner that Enquiry Officer with reference to the records had recorded the finding that petitioner never absented and in such view of the matter the finding of the Disciplinary Authority is erroneous.

Aforesaid aspect of the matter can only be considered in a writ petition. Petitioner should be well advised to challenge the order dated 07.03.2014 by filing a writ petition.

With the liberty aforesaid, the contempt petition is disposed of.

(V.N. Sinha, J)

Rajesh/-

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