

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13873 of 2015

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1. Niraj Kumar Ranjan Son of Dr. Rajdhari Ranjan Resident of Village-Uriyan tola , Police Station -G.B. Nagar, (tarwara) Block Pachrukhi, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration ,Excise and Prohibition Department ,Government Of Bihar, Patna.
 2. The Commissioner, Department of Excise, Government of Bihar,Patna.3

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Respondent/s : Mr. AC to Paag

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 11-12-2015 Despite order dated 4.9.2015, no counter affidavit has been filed on behalf of the State.

The petitioner seeks quashing of the order dated 12.12.2013 whereby respondent No.2 has inflicted punishment of withholding two annual increments of pay without cumulative effect.

While the petitioner was posted as Excise Superintendent at Kishanganj, he was asked show cause vide letter dated 25.10.2013 by the Deputy Secretary, Government of Bihar as to why he should not be proceeded departmentally for shortfall in revenue collection.

The petitioner filed his show cause reply. Not being

satisfied with the show cause reply, the department inflicted impugned punishment by a short order stating that the petitioner showed lack of initiation in collection of revenue.

I find that the punishment to a government servant, whether minor or major, is regulated by Bihar Civil Services (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to CCA Rules') particularly rules 17 to 19. Rule 19 deals with procedure for minor penalties. Rule 19(a) states that a government servant must be informed in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken.

Rule 19(d) mandates recording a finding on each imputation of misconduct or misbehaviour.

Reference can be made to a decision in the case of Harinandan Sharma vs. The State of Bihar, reported in 2009(2) PLJR 373 and order dated 18.5.2015 passed in C.W.J.C. No.3600 of 2015.

I find from materials on record that no notice purported under rule 19(a) was issued, which was imperative for passing minor punishment. The notice on the other hand was of a pre-proceeding stage.

In the result, this writ application is allowed and the

impugned order of punishment is set aside with liberty to the respondents to proceed afresh in accordance with law.

(Samarendra Pratap Singh, J)

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