

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16012 of 2008

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Shiva Narayan Chaudhary, Son of Late Kishori Chaudhary, resident of village-Garhi, PS Babubarhi, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
3. Deputy Secretary, Water Resources Department, Govt. of Bihar, Patna
4. Under Secretary, Water Resources Department, Govt. of Bihar, Patna
5. Engineer- in – Chief, Water Resources Department, Govt. of Bihar, Patna
6. Chief Engineer (North), Tube-Well Wing, Minor Irrigation Department, Muzaffarpur
7. Executive engineer, Tube- Well Division (Minor Irrigation Department) Hazipur, District Vaishali
8. Executive Engineer, Irrigation Division, Sikandara, District Jamui

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha 3

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

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 07-05-2015

The legal objection raised by the petitioner with regard to order of punishment contained in Annexure- 1, which is dated 26.4.2001, merits consideration.

This order of punishment of censure, withholding of increment and recovery of Rs.1.30 lakhs from the petitioner has been passed under the exercise of power provided for in Rule 55A of the old CCA Rules. No doubt, such punishments can be awarded after issuance of show cause and due consideration thereof. But in the present case a reading of Annexure- 1 does not indicate that the detailed show cause filed on behalf of petitioner on each and every

count was even looked into. The extensive show cause dated 25.5.1998 has been annexed as annexure- 6 to the writ application. However, the authority in a summary and casual manner rejected without indicating as to why. No reason as to why such a conclusion was reached is evident from reading of Annexure- 1.

Since the order of punishment has consequences for the petitioner, the order of punishment, in the opinion of the Court, has been passed or imposed without application of mind or at least any application of mind with regard to explanation offered by the petitioner.

This is good enough ground of the Court to interfere with Annexure- 1. The same is quashed.

Writ application is allowed.

(Ajay Kumar Tripathi, J)

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