

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11286 of 2008

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Vir Vinod Sinha, son of Sri Khublal Singh, resident of Village- Gokulpur, P.O.-
Satna, P.S.- Chandi, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar through the Secretary of the Government, Department of Road Construction, Government of Bihar, Patna.
2. The Under Secretary, Department of Road Construction, Government of Bihar, Patna.
3. The Engineer-in-Chief, Department of Road Construction, Government of Bihar, Patna.
4. The Joint Secretary (Vigilance), Public Works Department, Government of Bihar, Patna.
5. Deputy Secretary-cum-Chief Vigilance Officer, Road Construction Department, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeeva Roy, Advocate

For the Respondent/s : Mr. (AAG11)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 14-12-2015

Heard learned counsel for the petitioner and the State.

2. The petitioner has limited his prayer.

3. The petitioner seeks quashing of the order dated 24.04.2007 passed under Rule 43 (B) of the Bihar Pension Rules whereby the punishment of deduction of 25% pension and non-payment of salary for the period under suspension (10.10.1996 to 31.07.1998) has been awarded under Rule 97 (3) of Bihar Service Code is bad in law, as the same has been passed without affording an opportunity to the petitioner to file his response to the purported

punishment. The petitioner in support of his submission has relied upon 1988 PLJR 82, 1989 PLJR 147 and 1995 (2) PLJR 616 (Smt. Vidya Sinha Vs. the State of Bihar & Ors).

4. I agree with the submission of the petitioner that the punishment, under Rule 97(3) of the Bihar Service Code, could not have been validly passed without affording an opportunity of hearing, as such the impugned order of punishment under Section 97(3) of the Bihar Service Code is set aside and the matter is remitted to the respondent authorities with liberty to proceed afresh in respect of punishment awarded under Rule 97(3) of Bihar Service Code.

5. As the case is old one, it is expected that the necessary orders would be passed by the respondent authorities within a period of four months from the date of receipt of a copy of this order.

6. It is also expected that the petitioner would duly cooperate in the proceeding.

7. This application stands allowed to the extent mentioned above.

(Samarendra Pratap Singh, J.)

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