

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 3160 of 2015

Dr. Ravindra Prasad @ Ravindra Prasad, S/O Late Braj Kishore Prasad, Resident of Laxmi Bhavan, Gali No.2, Salimpur Ahra, P.S.- Gandhi Maidan, Patna. At present Principal, Industrial Training Institute, Aarah (Bhojpur).

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary.
2. The Principal Secretary, Department of Labour Resources, Bihar, Patna.
3. The Director, Employment & Training, Bihar, Patna.
4. The Controller of Examination, Industrial Training Institute, Digha Ghat Campus, Dighaghat, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra

For the Respondent/s : Mr. Prabhu Narayan Sharma

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 07-05-2015

07.05.2015

Heard learned counsel for the parties.

The order of punishment is two folds. One is withholding of one increment without cumulative effect and the second is non-payment of salary except subsistence allowance for the period of suspension.

The Court is not convinced with the submission of the counsel that it is a case of no evidence or no finding against the petitioner in the enquiry. The order of withholding of one increment without cumulative effect will not be interfered with.

However, the second punishment may be required to be interfered with, because the same does

not seem to have been passed after due compliance of Rule 97 (3) of Bihar Service Code, as has been held in the case of *Pramod Kumar Vrs. The Champaran Kshetriya Gramin Bank & Ors, reported in 2003 (4) P.L.J.R. 68* as well as the principle earlier laid down in the case of *Mahabir Prasad Vrs. State of Bihar, reported in 1988 P.L.J.R. 82*.

The said punishment order is hereby quashed. Matter is remanded back to the authorities that they may take a decision on such punishment after following the law.

Writ application is allowed to the extent indicated above.

(Ajay Kumar Tripathi, J.)

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