

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.573 of 2015

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Smt. Manju Kumari Sah W/o Sri Umesh Prasad Resident of village - Rasalpura,
P.S. Doriganj, District - Saran (Chapra) Petitioner

Versus

1. The State of Bihar, through Chief Secretary, Government of Bihar, Old Secretariat, Patna
 2. The Secretary, Gramin Vikash Vibhag, Government of Bihar, Old Secretariat, Patna
 3. The Joint Development Commissioner, Gramin Vikash Vibhag Government of Bihar, Old Secretariat, Patna
 4. The Additional Secretary, Gramin Vikash Vibhag, Government of Bihar, Old Secretariat, Patna
 5. The Joint Secretary, Gramin Vikash Vibhag, Government of Bihar, Old Secretariat, Patna
 6. The Deputy Secretary, Gramin Vikash Vibhag, Government of Bihar, Old Secretariat, Patna
 7. The District Magistrate, Katihar
 8. The District Development Commissioner, Katihar
 9. The District Magistrate, West Champaran, Bettiah
 10. The District Magistrate, West Champaran, Bettiah
 11. The Deputy Development Commissioner, West Champaran, Bettiah
 12. The Block Development officer, Majhauria, West Champaran, Bettiah
- Respondents
- =====

Appearance :

For the Petitioners : Mr. Raj Shekhar, Advocate

For the Respondents : Mr M.K. SINHA, SC 1

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 15-07-2016

The petitioner, who at the relevant time was BDO of Balrampur block in the district of Katihar, seeks quashing of the order 23.7.2013, issued under signature of disciplinary authority i.e. the Secretary, Gramin Vikash Vibhag, Government of Bihar whereby three increments of the petitioner has been withheld without cumulative effect with stipulation that she would not be posted as Block Development Officer in future.



2. The petitioner in short was departmentally proceeded for committing a number of irregularities in preparing waiting list of beneficiaries under Indira Aawas Yojana for favour of Government fund. It is alleged that she had added names of 81 persons in the list, who were not the beneficiaries as per list. However, the enquiry officer exonerated her of charges. The disciplinary authority without assigning reason awarded the impugned punishment. In paragraph 40 of the writ petition the petitioner has made categorical statement that order of punishment has been passed without issuance of show cause much less making available a copy of the enquiry report.

3. Counter affidavit filed on behalf of the respondents has not specifically controverted the assertion of the petitioner. State has not been able to file counter affidavit denying the said assertion of the petitioner that the impugned order of punishment has been passed without affording show cause and supplying copy of the enquiry report.

4. In my view, the respondents have deprived the petitioner of reasonable opportunity to defend herself. As such, the impugned order dated 23.7.2013, issued under signature of disciplinary authority i.e. the Secretary, Gramin Vikash Vibhag, Government of Bihar as well as the appellate order, dated

23.12.2013, passed in appeal are quashed, with liberty to the respondents to proceed afresh in accordance with law. He would be entitled to the admitted dues for the period in question.

5. The writ petition is thus allowed to the extent indicated above.

(Samarendra Pratap Singh, J)

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