

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24706 of 2013

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Binod Kumar S/O Sri Ram Sagar Sharma Resident Of Village- Arpa, P.O-
Kaliachak, District- Nalanda, Dismissed Iv Grade Employee, District- Agriculture
Office, Gaya. Petitioner

Versus

1. The State Of Bihar Through The Secretary, Department Of Agriculture, Bihar,
Patna.
 2. The Director, Department Of Agriculture, New Secretariat, Bihar, Patna.
 3. The Joint Director, Agriculture, Magadh Division, Gaya.
 4. The District Magistrate, Gaya.
 5. The District Agriculture Officer, Gaya.
 6. The Block Development Officer, Block Gurua, District- Gaya
- Respondents

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Appearance :

For the Petitioner/s : Mr. BINOD KUMAR, Advocate
For the Respondent/s : Mr. MANOJ PRIAYDARSHI, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 16-05-2016

The petitioner seeks a direction for quashing of order dated 8.8.2013, passed by the Joint Director, Agriculture, Magadh Division (respondent no.3) by which he has been terminated from service.

The petitioner was a class IV employee in the Agriculture department. He was posted in Gurua Block under Gaya district. For his acts of omission and commission, he was departmentally proceeded. Five charges were framed against the petitioner. On receipt of the enquiry report, the disciplinary authority, namely, respondent no.3 inflicted punishment of guilt. The petitioner filed appeal in the year 2013, which is still pending till date.

The petitioner has challenged the impugned order on more than one ground. He submits that he has not been given fair opportunity to defend himself. He submits that while asking show

cause, a copy of the enquiry was not forwarded to him. He further submits that from perusal of the counter affidavit of the State, it is evident that respondents have nowhere stated that they supplied a copy of the enquiry report before passing the punishment order. The petitioner submits that non furnishing of the enquiry report has prejudiced his case as he was deprived of an opportunity to submit his response to the adverse findings recorded in the enquiry report.

In my view, the respondents ought to have supplied a copy of the enquiry report along with show cause to provide opportunity to the petitioner to make his reply against adverse findings. In this view of the matter, the punishment order as well as the appellate order are set aside.

As the petitioner is in receipt of the enquiry report, appended by respondents with the counter affidavit, he would file is reply within a period of six weeks from the date of receipt of a copy of this order. Thereafter, the disciplinary authority would pass fresh order within a period of six weeks thereof. Petitioner's position prior to passing of the impugned order of punishment stands restored.

(Samarendra Pratap Singh, J)

Shashi.

AFR/NAFR	
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