IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1297 of 2013
In
Civil Writ Jurisdiction Case No.12246 of 2006

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Harbandhu Deonath Son Of Late Prafullo Ranjan Deonath Resident Of Village And P.S. - Dumari Gobardhana, District - West Champaran

... ... Appellant/s

Versus

1. The State Of Bihar Through Home Secretary, Govt. Of Bihar, Old Secretariat, Patna
2. The Director General-Cum-Inspector General Of Police, Bihar Old Secretariat, Patna
3. The Inspector General Of Police, Muzaffarpur
4. The Deputy Inspector General Of Saran Range, Chapra
5. The Superintendent Of Police, Saran At Chapra

... ... Respondent/s

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Appearance :
For the Appellant/s : Smt. Mahasweta Chatterjee, Adv.
For the Respondent/s : Mr. P.K. Verma, AAG-3
Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-12-2017

Having heard learned counsel for the parties and after considering various submissions that were made, this Court came, prima facie, to the conclusion that after the Enquiry Officer submitted his report, the said report was never forwarded to the petitioner along with show cause notice before imposing the punishment and the petitioner was not even informed as to what were the findings recorded by the Enquiry Officer and without

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granting an opportunity to the petitioner to go through the enquiry report and give his say on the charges, punishment was imposed.

In view of the law laid down by the Hon'ble Supreme Court in the case of Managing Director, E.C.I.L. Vs. B. Karunakar (1993) Supp. 4 SCC 727, this is not permissible and, therefore, we directed the authorities to produce the original records and on going through the original records we find that the enquiry report was never served on the petitioner, it was never forwarded to the petitioner and it was tried to be justified before us by contending that the petitioner did not demand the same.

The principles of natural justice warrants that the enquiry report should have been forwarded to the petitioner along with the show cause and after giving an opportunity to the petitioner to show cause and give his say, the impugned action should have been taken.

This having not been done in the instant case and the law laid down in the case of Managing Director, E.C.I.L. (supra) having not been followed, we allow this appeal, quash the order passed by the learned Writ Court and the orders passed by the disciplinary authority and the appellate authority and remand the matter back to the disciplinary authority to proceed in the matter

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from the stage of submission of the enquiry report in accordance with law.

With the aforesaid, this appeal is allowed and disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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