

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2975 of 2011

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Manoj Kumar, S/o Late Mathura Prasad, R/O Vill.+P.O.-Naya Ganj Via
Mahnar, P.S.-Desri, Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture,
Bihar, Patna
2. The Director Agriculture, Directorate of Agriculture, Bihar, Patna
3. The District Magistrate, Patna
4. The District Magistrate, Samastipur
5. The District Agriculture Officer, Patna
6. The Block Development Officer, Ujiyarpur, District- Samastipur
7. The Block Development Officer, Dalsingsarai, Samastipur
8. The Block Development Officer, Fatuha, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date : 11-10-2017

This writ petition was filed in the year 2011 and
at that point of time challenge was made to the charge-sheet
issued to the petitioner vide Annexure-13 on 07.08.2010.

Petitioner challenged initiation and delay in
conclusion of the departmental inquiry and issuance of the



aforesaid charge-sheet on various grounds. The matter was pending since then and even though more than six years had passed, no counter affidavit was filed by the State Government and the fate of the departmental inquiry initiated by the aforesaid impugned charge-sheet in the year 2010 was not known. Therefore, when the matter was taken up on 19.08.2017, the State Government was directed to bring on record the action taken on the charge-sheet and as to whether the inquiry has been concluded or not. Now, a counter affidavit has been filed by the State Government on 20th of September, 2017 which goes to show that a departmental inquiry was conducted and the Inquiry Officer submitted the report on 8th of February, 2014. Thereafter even though the inquiry report is said to have been forwarded to the petitioner vide Annexure-B on 06.12.2014, the petitioner submits that he has not received the copy of the inquiry report and opportunity of giving his reply to the inquiry report has not been afforded. That apart, it is stated by the State Government that after petitioner was transferred to Patna from Samastipur now action on the Inquiry Report is to be taken by the District Magistrate, Patna, who is the competent Disciplinary Authority in the matter.

Accordingly, it is clear that inquiry into the



charge-sheet has been completed, Inquiry Report has been submitted but a final decision with regard to inquiry is yet to be taken.

That being so, interest of justice would be made in case the respondents are directed to serve on the petitioner a copy of the Inquiry Report, grant him opportunity of showing cause against the Inquiry Report and thereafter take a final decision in the matter in accordance with law.

Keeping in view the aforesaid, this writ petition is disposed of with the following direction:-

The Disciplinary Authority shall cause service of the Inquiry Report along with all relevant documents to the petitioner within a period of three weeks from today and on the same being done, petitioner shall submit his show-cause to the Disciplinary Authority within four weeks thereof and within a period of two weeks from the date of receipt of the show-cause from the petitioner, final orders in accordance with law in the disciplinary proceedings shall be passed by the Disciplinary Authority. Needless to emphasize that all legal questions raised by the petitioner in the writ petition are kept open to be considered in case the petitioner has any grievance still subsisting after final orders are passed by the Disciplinary



Authority. While passing the final order, appropriate orders with regard to payment of salary to the petitioner shall be passed by the competent authority.

With the aforesaid, the writ petition is disposed of.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	14.10.2017
Transmission Date	

