IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13229 of 2011

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Kamal Paswan, Son of Karu Paswan, resident of village Banshi Tikar, P.S. Sabour in the district of Bhagalpur

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home Govt. Of Bihar, Patna
2. The Principal Secretary, Department Of Home, Govt. Of Bihar, Patna
3. The Inspector General, Prison, Bihar, Patna
4. The Director, Administration, Home (Jail) Department, Bihar,Patna
5. The Jail Superintendent, Central Jail, Buxar
6. The Jail Superintendent, District Jail, Siwan
7. The Jailor, District Jail, Siwan

.... Respondent

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Appearance :
For the Petitioner : Mr. Sunil Kumar, Advocate
For the Respondents : Mrs. Alka Singh, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 03-10-2017

By this writ petition, the petitioner seeks directions to the respondents for the following reliefs –

> "(i) To quash the office order, contained in Memo No. 770 dated 02.03.2010, issued under the signature of Inspector General, Prison, by which the following punishments have been inflicted :-
>
> (a) Four increment is withheld with cumulative effect and
>
> (b) During suspension period, except subsistence allowance, nothing would be paid;
>
> (ii) To quash the office order, contained in Memo No. 2876 dated 08.07.2010, issued under the signature of Home Secretary, Bihar, Patna, by which the appeal filed on behalf of the petitioner has been dismissed.

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(iii) Also to direct the respondents to reinstate the service of the petitioners forthwith.

(iv) Also to give all consequential benefits.

(v) Also for any other relief/reliefs for which the petitioner is found entitled in the eye of law."

2. Learned counsel for the petitioner submits that the impugned orders are illegal and unsustainable in law as the enquiry report has been prepared in a perfunctory manner without examining any witnesses nor any opportunity of hearing has been granted to the petitioner to examine the documents relating to the charges by reason of which the entire proceedings are vitiated.

3. Learned counsel for the petitioner, without entering into the detailed merits of the matter, invites attention to the judgment dated 10.08.2017 passed in CWJC No. 18300 of 2010 (*Ran Bahadur Sharma Vs. The State of Bihar & Ors*) in the case of similarly situated person in which various infirmities in the departmental proceedings have been noticed and the impugned order dated 02.03.2010 passed by the disciplinary authority as well as the appellate order dated 08.07.2010 passed by the appellate authority have been set aside.

4. Learned counsel for the petitioner makes a statement at the Bar that the name of the petitioner in CWJC No. 18300 of 2010 has been stated as "Ran Bahadur Sharma" who is none other than the person whose name appears as "Rangbahadur" in the order dated 02.03.2010 and as "Rang Bahadur Sharma" in the appellate order dated

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08.07.2010. It is stated that the case of the petitioner herein is identical to the case of the said petitioner of CWJC No. 18300 of 2010.

5. Learned counsel for the respondents appears and has been heard. However, he has not been able to controvert the submission of the petitioner that he is similarly situated with the petitioner of CWJC No. 18300 of 2010.

6. Having regard to the stand of the parties, the writ petition is disposed of in line with and on the same terms as CWJC No. 18300 of 2010 (*Rang Bahadur Sharma Vs. The State of Bihar & Ors*).

(Vikash Jain, J)

B.T/Chandran

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