

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.984 of 2015
IN
Civil Writ Jurisdiction Case No. 4834 of 2015**

- =====
1. Mahamaya Prasad son of Devnath Prasad Resident of village- Aura Bagicha, P.S. Dharhara, District- Munger.

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, The Panchayati Raj Department , Government of Bihar, Patna.
3. The Director , The Panchayati Raj Department , Government of Bihar, Patna.
4. The Divisional Commissioner, Munger Division, Munger.
5. The Collector, Munger, District- Munger.
6. The Additional Collector-cum-Enquiry Officer, Munger.
7. The District Panchayat Raj Officer, Munger.
8. The Block Development Officer, Sadar, Munger.
9. The Block Development Officer, Sangrampur, Munger.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Mr. Sandeep Kumar- GA8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-07-2017

The petitioner was proceeded against departmentally.

At the same time, due to his involvement in a criminal case, he was arrested. The departmental enquiry, according to petitioner's own showing, culminated in a second show cause notice being issued to the petitioner on 31.12.2014. On receipt of the second show cause notice, the petitioner made a complaint that the enquiry report has



not been given to him and further it was his grievance that the enquiry was held *ex parte* behind his back during a period when he was in police custody. When the representation submitted by the petitioner did not find favour with the departmental authorities, the petitioner filed the writ petition in question and on 31.3.2015 the learned Writ Court dismissed the writ petition with an observation that now at a stage when the second show cause notice has been issued, interference cannot be made, but liberty was granted to the petitioner to approach the competent authority or challenge the punishment issued to him.

Having heard learned counsel for the parties, we are of the considered view that in case, as stated by the petitioner, after issuance of the second show cause notice on 31.12.2014 final decision in the departmental proceedings have not been taken and the departmental proceedings are still pending.

In view of the above, liberty shall be available to the petitioner to file a detailed representation along with a certified copy of this order before the competent disciplinary authority who shall consider as to whether the enquiry has to be re-opened or any benefit granted to the petitioner in view of the grievance made by him. That apart, in case the departmental proceedings have culminated and a final order passed, the disciplinary authority shall



be free to pass appropriate order on the representation. Either way, action be taken and a decision communicated to the petitioner within a period of one month of filing of the representation.

With the aforesaid, this appeal is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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