

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6542 of 2016

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Arvind Kumar, IFS, S/o Sri R. N. Prasad, resident of Gardanibagh, Road No. 1,
P.S. – Gardanibagh, District - Patna

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Environment & Forest,
CGO Complex, Lodhi Road, New Delhi
2. The State of Bihar through the Chief secretary, Bihar Government, Patna
3. The Secretary, Environment & Forest Department, Bihar Government, Sinchai
Bhawan, Patna
4. The Pr. Chief Conservator of Forest, Bihar, Technology Bhawan, Bailey Road,
Patna

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar (in person)
For the Respondent/s	:	Mr. Kaushal Kr. Jha A.A.G.-14
For the Union of India	:	Mr. S. D. Sanjay Addl. S.G. Ms. Vipula Kanoria AC to Addl. S.G.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 25-07-2017

Appearing in person has its pitfalls. This is one of those cases where the applicant / petitioner has not been able to take advantage of appearing and assisting the forums in the right perspective and it was because of lack of legal training and orientation that he is in the present predicament.

The Central Administrative Tribunal, Patna Bench, Patna was magnanimous enough to allow the applicant, who is the petitioner before this Court, to file an amended O.A. and challenge



the order of punishment, which he had brought on record of O.A. No. 606 of 2006 as M.A. No. 05 of 2011 and M.A. No. 216 of 2012. Since the Tribunal had its limitations in deciding the issue of punishment on a limited affidavit filed, the observation of the Tribunal, which has culminated into paragraph 16, is proving to be milestone round the neck of the petitioner.

Having given a detailed hearing to the petitioner as well as the respondents and having perused the original records relating to the departmental proceeding, we at the most can give an opportunity to the petitioner by interfering with the concluding part of the order of the Central Administrative Tribunal, especially paragraph 16, where the Tribunal has opined on the departmental proceeding in its entirety.

We are convinced that because of the failure of the applicant, who was appearing in person and is appearing in person, he could not conduct his matter properly, which may lead to miscarriage of justice.

In view of the above, the observation of the Tribunal in relation to the departmental proceeding and the punishment imposed as a consequence thereof, stands expunged. Petitioner is permitted to file a fresh O.A., challenging the order of punishment or departmental proceeding, as such, on such questions of law, which may be available to him, including the ground of violations of principles of natural justice.



We, however, also clarify that the petitioner will not have a liberty to urge and argue on the question whether the Tribunal could extend the time for completion of the departmental proceeding in terms of previous directions fixing the time-frame of six months. The finding of the Tribunal on that aspect of the matter is conclusive.

Writ application is allowed in terms of the above.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	27.07.2017
Transmission Date	

