

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3972 of 2014

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Hakim Prasad Son Of Late Laxmi Prasad Residing At Flat No. 305, Shakti Sadan
Apartment, Ashiyana More P.S. Shastrinagar, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, General Administrative Department, Bihar, Patna
2. The Joint Secretary, General Administrative Department, Bihar, Patna
3. The Commissioner, Purnea Division, Purnea
4. The District Magistrate, Katihar
5. The Under Secretary, General Administrative Deptt. Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. BIRENDRA KANT CHAUDHARY, Adv.

For the Respondent/s : Mr. S.K. Ranjan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 31-07-2017

Heard both sides.

2. The petitioner filed this writ petition for quashing the order dated 27.11.2012, as contained in Memo No. 16073 (annexure-5) issued under the signature of Joint Secretary, General Administrative Department, Government of Bihar whereby, the petitioner was censured.

3. The brief facts which are relevant for the disposal of this writ petition are that the petitioner was served with articles of charge on 24.09.2009 (annexure-1) and supplementary articles of charge was also served on 04.11.2009 (annexure-2) on the petitioner



calling him to show-cause. The petitioner submitted his show-cause. The Disciplinary authority, after perusing the show-cause of the petitioner, inflicted the petitioner with minor punishment of 'Censure' vide order dated 27.11.2012.

4. Mr. B.N. Choudhary learned counsel appearing on behalf of the petitioner assailed the order and submitted that the punishment although minor in nature does not reflect the application of mind of the Disciplinary authority. The Disciplinary authority did not consider the show-cause of the petitioner. The petitioner is to be considered for promotion in the cadre of I.A.S. and this punishment even though minor shall affect the career of the petitioner. Rule 19 of the CCA Rules, 2005 authorized the disciplinary authority to inflict minor punishment after perusal of the show-cause, if the disciplinary authority finds that no enquiry is required, therefore, I do not find the submission of the learned counsel for the petitioner acceptable, as the minor punishment is defined in Rule 14 of the C.C.A. Rules, 2005. According to Rule 17 of the C.C.A. Rules, 2005, if the Disciplinary authority, after perusing the show-cause of the delinquent employee, finds that the delinquent employee only deserves minor punishment, the Disciplinary authority may inflict minor punishment without holding full-fledged enquiry meant for inflicting major punishment. The authority found some lapses, therefore, there is no procedural illegality.

5. Having considered the facts aforesaid, I do not find



any good ground to interfere into the order of the Disciplinary authority. Accordingly, the writ petition is dismissed.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04/09/2017
Transmission Date	NA

