

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1488 of 2016

In
Civil Writ Jurisdiction Case No. 11801 of 2014

- =====
1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar.
 2. The Principal Secretary, General Administration Department, Government of Bihar, New Secretariat, Patna
 3. Joint Secretary, General Administration Department, Government of Bihar, New Secretariat, Patna
 4. The District Magistrate, Rohtas.
 5. The Sub-Divisional Officer, Dehri, Rohtas.

.... Appellant/s

Versus

Shatrunjay Kumar Mishra son of Late Chandramuli Mishra Resident of 3, Adarsh Path, Lal Babu Market, P.S.- Shastri Nagar, District- Patna, at present posted as Executive Officer, Nagar Parishad, Aurangabad.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mrityunjay Kumar, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 18-08-2017

Delay in filing the appeal is condoned.

I.A. No. 6562 of 2016 stands allowed and disposed of.

It is the State's appeal under Clause 10 of the Letters Patent and the only reason which weighed with the learned Writ Court for interfering with the order of punishment, i.e. stoppage of two increments without cumulative effect was that the Enquiry Officer exonerated the delinquent employee and without a show



cause notice to him the disciplinary authority disagreed with the finding of the Enquiry Officer, recorded his own finding and thereafter proceeded to impose the punishment. The learned Writ Court has found that this is not permissible and in doing so the learned Writ Court has followed the principle laid down by the Supreme Court in the case of **Punjab National Bank and others Vs. Kunj Bihari Misra: (1998) 7 SCC 84.**

We find no error in the order of the learned Writ Court warranting reconsideration. The appeal is dismissed

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

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