

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9854 of 2014

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Panchanand Singh, son of Late Mauleshwari Prasad Singh, Resident of village-
Ujhanghi, P.O. and P.S. Jamui, District- Jamui

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna
4. The Deputy Secretary- cum- Conducting Officer, Road Construction Department, Government of Bihar, Patna
5. The Chief Engineer, Road Construction Department, Bhagalpur
6. The Superintending Engineer, Road Construction Department, East Bihar Circle, Bhagalpur
7. The Executive Engineer, Road Construction Department, Road Division, Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Ajit Kumar Singh, Advocate

For the S t a t e : Mr Ajay Kumar, AC to GP IV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 03-01-2018

Heard counsel for the petitioner as well as the
respondent-State.

2 An enquiry proceeding was conducted against the
petitioner in relation to the charges which have been leveled against
him in Vigilance Case No 41 of 2017. The enquiry report has been
submitted wherein the charges against the petitioner was recorded to
have been proved. The disciplinary authority, under letter dated
25.02.2014, called upon the petitioner to submit his second show



cause after considering the enquiry report, copy of which has been communicated to the petitioner. The second show cause was to be submitted by 05.03.2014. On 04.03.2014, the petitioner sent the second show cause by Speed Post which is Annexure 9 of the writ petition. Without considering the petitioner's second show cause, counsel for the petitioner submits that the office order inflicting the punishment of reducing the petitioner's pension to zero has been inflicted upon the petitioner vide office order dated 12.03.2014. Paragraph 4 of the said office order records that no second show cause has been submitted by the petitioner. Annexure 9, which is dated 03.03.2014 is the second show cause submitted by the petitioner by Speed Post which has been dispatched on 04.03.2014. The petitioner is aggrieved by non-consideration of his second show cause by the disciplinary authority. Surprisingly, in paragraph 14 of the counter affidavit filed in the instant proceedings, the stand has been taken that the petitioner's second show cause (Annexure 9 of the writ petition) was duly considered and that, after due consideration, it was found unsatisfactory. The said stand of the respondents is contrary to the order dated 12.03.2014 passed by the disciplinary authority wherein specifically it has been written that the petitioner has not submitted his second show cause. The irresistible conclusion is that the second show cause has not been considered even though by Annexure 9 dated



03.03.2014, the same has been submitted before the authorities.

3 In view of the aforesaid situation, this writ petition is being disposed of with a direction to the disciplinary authority (respondent No 3) to take a fresh decision after considering the petitioner's second show cause dated 03.03.2014 (Annexure 9 of the instant writ petition) and pass final orders thereupon expeditiously preferably within two months from the date of receipt/production of a copy of this order.

4 In view of the aforesaid, the writ petition stands allowed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.01.2018
Transmission Date	NA

