

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8370 of 2017

=====

Dr. Raghvendra Kumar, Son of Late Parmeshwar Narain Singh, resident of
Village Morsand, P.S. Runnisaidpur, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department,
Government of Bihar, Patna.
2. The Principal Secretary, Health Department, Government of Bihar,
Patna.
3. The Under Secretary, Health Department, Government of Bihar, Patna.
4. The Deputy Secretary, Health Department, Government of Bihar, Patna.
5. The Civil Surgeon, Rohtas.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh
For the Respondent/s : Mr. Binod Kr. Yadav, SC-18

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-04-2018 The petitioner by way of present writ petition seeks
quashing of the order of punishment dated 11.06.2015 as well as
the appellate order dated 29.08.2016.

The learned counsel for the petitioner firstly assails the
order of punishment dated 11.06.2015 on the ground that despite
the fact that the petitioner was exonerated by the Enquiry Officer
as is apparent from the enquiry report dated 15.02.2014, no show
cause notice has been issued by the disciplinary authority to the
petitioner herein informing him and seeking his opinion on the
ground of difference in opinion with the opinion of the Enquiry
Officer. It is further submitted that no reason whatsoever has been



furnished in the order of punishment dated 11.06.2015 for the purposes of punishing the petitioner herein. The appellate order dated 29.08.2016 is assailed on the ground that firstly the appeal has been dismissed on the ground of delay and not on merits and secondly the said order has been passed by the same authority who had passed the punishment order.

The learned counsel for the respondents does not dispute the fact that Enquiry Officer has exonerated the petitioner herein.

Having regard to the facts and circumstances of the case, this Court is of the opinion that the disciplinary authority has faltered inasmuch as no show cause has been issued to the petitioner on the ground on which the disciplinary authority has sought to differ from the opinion of the Enquiry Officer and secondly the order passed by the disciplinary authority is not only perverse but totally without application of mind inasmuch as no reason whatsoever has been furnished by the disciplinary authority for coming to the conclusion that the petitioner is guilty, especially upon differing from the opinion of the Enquiry Officer who has exonerated the petitioner herein. Hence, the order of punishment dated 11.06.2015 is quashed and set aside.

In view of the fact that the order of punishment cannot be sustained, the appellate order is also liable to fall automatically.



Accordingly, the appellate order dated 29.08.2016 is also set aside.

The writ petition is allowed.

It is needless to say that the petitioner shall be entitled to the consequential benefits as a result of the quashing of the aforesaid order of punishment dated 11.06.2015 and the appellate order dated 29.08.2016.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

