

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17974 of 2017

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Babban Mishra, Son of Late Baleshwar Mishra, Resident of Village-Keshopur, P.O.-Keshopur, P.S.-Simri, District-Buxar Presently Posted as Managing Director, District Central Cooperative Bank, Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Cooperative Department, Government of Bihar, Patna.
2. The Deputy Secretary (Vigilance) Cooperative Department, Government of Bihar, Patna.
3. The Registrar, Cooperative Committee, Bihar, Patna.
4. The Deputy Secretary, Cooperative Department, Bihar, Patna.
5. The Deputy Registrar (Sugarcane), Cooperative Committee, Bihar, Patna.
6. The Joint Registrar, Cooperative Committee, Bihar, Patna.
7. The Sub Divisional Account Officer, Office of Joint Registrar (Account), Cooperative Committee, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Respondent/s : Mr. Syed Iqbal Ahmad –SC-20

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-05-2018 The petitioner, by way of the present writ petition, has assailed the order of punishment dated 26.12.2016 on a short ground that though the issuance of charge sheet had culminated into a departmental enquiry and after submission of the enquiry report, show cause notice was issued to the petitioner vide letter No.49 dated 05.01.2015, however, the order of punishment would show that after receipt of the enquiry report and issuance of show cause notice to the petitioner herein, the entire matter was again enquired into and upon enquiry, fresh complicity of the petitioner is said to have been found, hence on the basis of findings arrived at during the second enquiry, the order of punishment dated 26.12.2016 was passed, without giving an opportunity of hearing



to the petitioner to rebut the findings arrived at in the second enquiry.

The learned counsel for the respondents does not dispute the said position on facts as well as in law.

In view of the admitted fact that the second enquiry was conducted by the disciplinary authority behind the back of the petitioner as also the fact that the finding of the said enquiry was not made known to the petitioner, nor any show cause notice was issued to the petitioner herein on the finding arrived at in the said second enquiry so as to seek his objections to the same, the order of punishment, passed on the basis of the second enquiry, cannot be sustained.

In the facts and circumstances of the case, I deem it fit and proper to quash the order of punishment dated 26.12.2016 for the reasons that the same has been passed in violation of the principles of natural justice.

The writ petition is allowed and the order of punishment dated 26.12.2016, as contained in Annexure-10 of the writ petition, is quashed and set aside.

(Mohit Kumar Shah, J)

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