

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1373 of 2015

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Ram Babu

.... Petitioner

Versus

The State of Bihar & Ors

.... Respondents

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Appearance :

For the Petitioner : Mr. Indu Bhushan

For the State : Mr. Shailesh Kumar, AC to GP 5

For the BPSC : Mr. Ranjit Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 17-04-2018

Heard counsel for the petitioner and the State.

Learned counsel for the petitioner submits that though the punishment order is in violation of Rule 18 of the Bihar CCA Rules, 2005 inasmuch as the enquiry report was submitted to the extent that the charges against the petitioner was not proved, the Disciplinary authority without differing with the findings of the Enquiry officer has proceeded to inflict the punishment upon the petitioner.

State has filed counter affidavit. Respondent authorities by referring to Letter no. 7027 dated 16.5.2012, though the letter has not been annexed with the counter affidavit, states that the enquiry report was examined meticulously and disagreeing with the same, the Conducting officer had given the reasons of disagreement and the petitioner was asked to submit his representation. This fact has not been disputed by the petitioner.



Let the petitioner avail the statutory remedy under Rule 24(2) of the Bihar CCA Rules, 2005 and if such application is filed, respondents would be obliged to consider the same and dispose of by a reasoned and speaking order without raising the issue of delay in view of the fact that the petitioner was pursuing the matter before this Court.

The writ petition is thus disposed of in the aforesaid terms.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
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