

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16408 of 2004

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Surendra Narain Prasad son of Late Tej Narayan Prasad permanent R/o Bhorha P.O. & P.S. Belsand District- Sitamarhi at present posted at Accounts Clerk, Bagmati Division, Runisaidpur, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar, through its Secretary Old Secretariat, Patna
2. Commissioner cum Secretary, Department of Water Resources, Irrigation Bhawan, Patna
3. Special Secretary, Department of Water Resources, Irrigation Bhawan, Patna
4. Deputy Secretary, Water Resources Deptt. Govt. of Bihar, Sichai, Deptt. Patna
5. Chief Engineer, Department of Water Resources Kalaw Bagh Road, Muzaffarpur
6. Supdt. Engineer, Flying Squad Circle-I, Sichai Bhawan, Patna
7. Executive Engineer, Flying Squad Division no. 4, Department of Water Resources, Irrigation Bhawan, Patna
8. Superintendent Engineer, Head Works Circle, Bagmati Nagar, Sitamarhi
9. Executive Engineer, Bajmati Division No. 1, Sitamarhi
10. Executive Engineer, Bajmati Division Runnisaidpur, Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kr.Sinha
For the Respondent/s	:	Mr. Niraj Kumar, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-08-2018

The petitioner has filed the present writ petition for quashing the order dated 03.10.2002 whereby and whereunder it has been directed to make a recovery of Rs. 26,639/- from the petitioner as well as the petitioner has been inflicted with the punishment of stoppage of one annual increment with non cumulative effect.

2. The short point raised by the petitioner is that though the



petitioner was given a show cause notice dated 15.07.1998, annexing an inquiry report, but the said inquiry report does not specifically deal with the case of the petitioner and moreover, the said inquiry has been held behind the back of the petitioner. It is further submitted that the order of punishment dated 03.10.2002 does not take into account the reply of the petitioner and is unreasoned, hence, fit to be set aside.

3. Per contra, the learned counsel for the Respondents has though opposed the submission of the petitioner, but does not have any objection if the matter is remanded back to the authorities for fresh consideration.

4. Having regard to the facts and circumstances of the case, the order of punishment dated 03.10.2002 is quashed and the matter is remanded back to the concerned authorities for passing a fresh and reasoned order after hearing the petitioner herein.

5. The writ petition is allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.08.2018
Transmission Date	NA

