

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14731 of 2010

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Mahendar Chaudhary, S/O Late Basant Chaudhary, resident of village- Punar,
P.S.- Attri, District- Gaya, at present posted as Assistant Engineer, Water
Resources Department, Drainage And Investigation, Sub Division No.2,
Nautan Camp, Betia, West Champaran

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Deputy Secretary, Water Resources Department, Govt. of Bihar, Patna
4. The Chief Engineer, Water Resources Department, Bihar, Birpur
5. The Superintending Engineer, Eastern Koshi Embankment Circle, Saharsa
6. The Executive Engineer Eastern Koshi Embankment Division, Supaul

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate Mr. Chandan Kumar, Advocate
For the Respondent/s	:	Mr. Deepanjali Gupta, A.C. to G.P.-20

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 15-05-2018

Heard learned counsel for the petitioner and
learned counsel for the State.

In this case, the petitioner is challenging the order
containing memo no.884 dated 18.10.2004, whereby and
where-under three punishments have been awarded for the act
of misconduct. Against the said order appeal-cum-review
application was filed by the petitioner, but the Appellate



Authority reiterated the order of the Disciplinary Authority and rejected the appeal vide order dated 17.12.2008.

A short point but going to the root of the case has been raised that the order which has been passed by the Disciplinary Authority, thereby three punishments have been inflicted is cryptic and non-speaking order as it does not disclose anything except that his explanation was not found to be satisfactory, cannot be a basis for passing the order by the Disciplinary Authority as the Disciplinary Authority while taking action acts as *quasi judicial* body and must reflect the reason for arriving to a finding of misconduct and inflicting such punishment.

Learned counsel for the petitioner submits that some of the punishments are major, but the authority has not followed the procedure meant for inflicting the major punishment to the delinquent.

In such view of the matter, the order of punishment order containing memo no.884 dated 18.10.2004 as well as the order of the Appellate Authority dated 17.12.2008 are set aside. The matter is remanded back to the Disciplinary Authority, if so advised, may take steps in accordance with law. All the process must be completed within a period of six



months from the date of receipt/production of a copy of this order.

With the aforesaid observations and directions, this writ petition is allowed to the above extent.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	06.06.2018
Transmission Date	N/A.

