

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4749 of 2017

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Shubheshwar Kumar, Son of Late Rajeshwar Mahto, resident of Village-
Khajauli, P.O. & P.S.- Khajauli, District- Madhubani, at present resident of
Flat No. 402, Kailash Palace, Jagriti Nagar, Magistrate Colony, Main Road,
P.O.- Veterinary College, P.S.- Rajeev Nagar, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Labour Resources Department, Government of Bihar,
Patna.
4. The Labour Commissioner, Labour Resources Department, Government of
Bihar, Patna.
5. The Chief Inspector of Factories, Factory Inspectorate, Labour Resources
Department, Government of Bihar, Patna.
6. The Joint Secretary, the Labour Resources Department, Government of Bihar,
Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Chitranjan Sinha, Sr. Advocate Mr. Satish Chandra Mishra, Advocate
For the Respondent/s	:	Mr. Anuj Kumar, A.C. to GP-24

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 04-09-2018

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

In this case, the petitioner is challenging the
resolution contained in memo no.2604 dated 01.09.2016, by
which the service of the petitioner has been terminated is a



consequence of major penalty proceeding was conducted against the petitioner. In the said proceeding, the Inquiry Officer has submitted the report in favour of the petitioner, disagreeing with the finding of Inquiry Officer, second show cause was served upon the petitioner, which was replied by him, but by a cryptic order without considering the plea that has been taken by the petitioner in the reply, has dismissed the service of the petitioner.

This matter is disposed of on a short point that after receipt of the second show cause when the petitioner has filed detailed explanation then it is the bounden duty of the disciplinary authority to consider the explanation submitted by the petitioner and after dealing the same, he ought to have passed a reasoned order. However, no such procedure has been followed in the present case.

In such view of the matter, the resolution contained in memo no.2604 dated 01.09.2016 (Annexure-1) as well as the order passed in review petition containing memo no.3342 dated 06.12.2016 (Annexure-2) are quashed. The matter is remanded back to the disciplinary authority to take decision in accordance with law after considering the explanation submitted by the petitioner. The disciplinary authority should complete the entire



exercise within a period of three 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	10.09.2018
Transmission Date	N/A.

