

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16049 of 2010

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Girija Shankar Prasad S/o Late Raj Mohan Prasad R/o Mahadeva,
Magahiya Toli, P.S.- Ara Town, Distt.- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Personnel & Administrative Reforms Department, Govt. of Bihar, Patna
2. Under Secretary Personnel & Administrative Reforms Department, Govt. of Bihar, Patna
3. District Magistrate, Supaul

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Abhinav Shrivastava

For the State : Mr. Sunil Kumar, A.C. to GP-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 19-06-2018 The present writ petition has been filed for quashing of the punishment order dated 18.5.2009 whereby and whereunder punishment of stoppage of one annul increment with non-cumulative has been inflicted upon the petitioner herein apart from holding that nothing else apart from the suspension allowance which has been paid during the period of suspension, shall be granted to the petitioner.

The short facts of the case are that the respondents had initiated a proceeding against the petitioner vide letter dated 28.11.2008, whereby and whereunder charges were framed against the petitioner herein primarily on the ground that the petitioner had remained absent from his duties pertaining to flood relief



work and despite communication to him he had failed to turn up whereafter breach in the barrage had taken place. The petitioner then filed his reply dated 22.1.2009 explaining each and every enunciation levelled against him. However, the respondents by resolution dated 18.5.2009 had passed an unreasoned order without any application of mind or assigning any ground, inflicting the aforesaid punishment on the petitioner herein.

The learned counsel for the petitioner submits that the impugned order dated 18.5.2009, by which the punishment has been inflicted on the petitioner is bereft of any reason and does not show any application of mind, hence has been passed in violation of the principles of natural justice.

The learned counsel for the respondents had submitted that serious allegations have been levelled against the petitioner, hence passing of the minor punishment is fully warranted. However, the learned counsel for the respondent is unable to controvert the fact that the punishment order dated 18.5.2009 is unreasoned, non-speaking and does not show that the same has been passed after application of mind.

Having regard to the facts and circumstances of the case, I hold that the impugned order of punishment dated 18.5.2009 is bereft of any reason, does not show any application



of mind and has not discussed the reply filed by the petitioner, hence is not tenable in the eyes of law. Accordingly, the order of punishment dated 18.5.2009 is quashed.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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