

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.838 of 2017

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Dharamendra Kumar Murari, Son of Late Sitaram Das, Resident of Village -
Mathurapur, P.S.- Kahalgaon, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Government of Bihar, Science and Technology Department, Bihar, Patna.
2. The Director, Science and Technology Department, Bihar, Patna.
3. The Deputy Director, Science and Technology Department, Bihar, Patna.
4. The In-Charge Principal, Motihari Engineering College, Motihari.
5. The Additional Secretary, Science and Technology Department, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Advocate

For the Respondent/s : Mr. Kameshwar Prasad Gupta, GP-10

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 22-03-2018

Heard learned counsel for the petitioner and State.

2. The petitioner was dismissed from service vide Annexure-8 after departmental proceeding. The petitioner was proceeded against in departmental proceeding on the charge of unauthorized absence. His unauthorized absence is established by the office of the department.

3. There is no procedural infirmity in conduct of the departmental proceeding warranting interference with the departmental proceeding. However, considering the quantum of punishment, this Court deem it fit and proper to remit the matter to the respondents to consider the case of the petitioner on the quantum of punishment. In view of the law laid down by the Apex Court in the



case of **B. C. Chaturvedi vs. Union Of India And Ors**, reported in **(1995) 6 SCC 749** and reiterated by various other judgments including the judgment of the Apex court in the case of **Union Of India & Ors vs P.Gunasekaran**, reported in **(2015) 2 SCC 610**, the respondents are required to take decision on the quantum of punishment within a maximum period of three months from the date of receipt/production of a copy of this order, as the Court is of the view that the order of dismissal of the petitioner is too harsh and which has affect not only the petitioner, but his entire family.

4. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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