

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16694 of 2017

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Md. Sabir Alam, Son of late Abdul Hafif, Resident of Village- Bardiha, P.O.
Rauta Hat Via- Baisi, District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar through the Special Secretary-cum-Director (Urdu), Urdu Directorate, Cabinet Secretariat, Government of Bihar.
2. The Special Secretary-cum-Director (Urdu), Urdu Director, Cabinet Secretary Department, Government of Bihar, Patna.
3. The Director, Urdu Directorate, Cabinet Secretariat Department, Government of Bihar, Patna.
4. The District Magistrate, Araria.
5. The Sub Divisional Officer, Araria.
6. The Block Development Officer, Araria.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr. S.K.Mandal, S.C. 3
Mr. Arjun Prasad, A.C. to S.C.-3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 27-08-2018

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

In this case, the departmental proceeding was
initiated against the petitioner in pursuance of the charge-sheet,
which was served upon him, making certain allegations. The
Inquiry Officer has conducted the inquiry and recorded the



finding on the charges levelled against the petitioner. Whereafter, three punishments have been awarded to the petitioner in terms of Rule 14(i), (ii) and (iv) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 i.e. punishment of censure, stoppage of three increments with non-cumulative effect and stoppage of promotion for three years.

Learned counsel for the petitioner submits that the inquiry has been conducted as a major penalty proceeding and whereafter the Inquiry Officer has submitted the inquiry report but before passing the final order the petitioner has not been provided either the show-cause or the inquiry report, which is nothing but violation of the rules. This fact has not been denied by the State in its counter affidavit.

In such view of the matter, the order of punishment dated 28.03.2014 is set aside. The matter is remanded back to the respondent authorities with a direction to serve the inquiry report to the petitioner and after receipt of the explanation as well as after giving fair consideration take decision in accordance with law. It is made clear that this order will not entitle the petitioner for his reinstatement or back wages, which will be subject to the final result of the departmental proceeding.



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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	30.08.2018
Transmission Date	N/A.

