

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.925 of 2017

In

Civil Writ Jurisdiction Case No.16785 of 2009

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1. The Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna now Bihar State Power Holding Company Ltd. Through its Chairman cum Managing Director, Vidyut Bhawan, Bailey Road, Patna.
 2. The Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna now General Manager (HR/Adm.) North Bihar Power Distribution Company, Vidyut Bhawan, Bailey Road, Patna.
 3. The Director (Personal) Bihar State Electricity Board now North Bihar Power Distribution Company Ltd. Vidyut Bhawan, Patna.
 4. Joint Secretary, Bihar State Electricity Board, now Deputy General Manager North Bihar Power Distribution Company Ltd. Vidyut Bhawan, Patna.
 5. Electrical Superintending Engineer (Stores) Bihar State Electricity Board now North Bihar Power Distribution Company Ltd. Vidyut Bhawan, Patna.

... .. Appellant/s

Versus

Dasrath Prasad Singh, Son of Late Vidyaprasad Singh, Resident of Photo Bhawan, Tiranga Chowk, Gangjala at P.O.+ P.S.+ District- Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Vinay Kirit Singh Sr. Advocate Mr. Vijay Kumar Verma Advocate Mr. Akhileshwar Singh Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

5 08-05-2018

Heard learned senior counsel for the appellant.

We have perused the impugned order, dated
01.05.2017, passed by the Learned Single Judge.



The Learned Single Judge has taken note of the infirmities committed by the disciplinary authority in imposing punishment of withholding one per cent of pension of the private-respondent.

Few facts are glaring enough. One, that many years before the superannuation of the private-respondent, Enquiry Officer in his enquiry report exonerated him. Nothing came to be done for a long time. When after three years of superannuation the post retiral dues were not settled and the private-respondent approached the High Court, then the disciplinary authority woke up and without providing the reason for disagreement, issued a second show-cause and imposed punishment.

The Learned Single Judge has taken note of the fact that the notice of disagreement does not give the reason for disagreement, which has to be culled out from the evidence and materials, which has come during enquiry and it cannot be based on his personal perception or ipsi dixit.

Reasons for allowing the writ application, therefore, are cogent and valid.

No interference is warranted with the impugned order in appeal.



Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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