

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14354 of 2018

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Ram Lalit Prasad Singh, Son of Chandeshwar Prasad Singh, Resident of
Village- Gamharia, P.O.- Gamharia, P.S.- Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Bihar, Patna.
2. The Inspector General of Police (I.G.) Rail, Bihar, Patna.
3. The Deputy Inspector General (D.I.G.) Rail Police, Muzaffarpur, Bihar.
4. The Superintendent of Police, Rail, Muzaffarpur, District- Muzaffarpur.
5. The Deputy Superintendent of Police, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Shahnawaz Ali
		Mr. Satish Kumar Jha, Adv.
For the Respondent/s	:	Mr. Sheo Shankar Prasad- SC-8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 13-12-2018

Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

In this case, the petitioner was proceeded departmentally
as a major penalty proceeding. Ultimately, the Enquiry Officer
exonerated the petitioner from all charges but disciplinary
authority inflicted the punishment of censure vide Rail Police
Order No.1321 of 2017 (Annexure-13). Against that the petitioner
filed an Appeal before the DIG Railway, Bihar, Patna. It has been
submitted that at the time of passing the order of punishment, the
DIG, Railway, Bihar, Patna was Superintendent of Police, he has
passed the order. At the time of appeal, he became DIG, Railway,
Patna on going through the memo of Appeal, found that the



petitioner has used some objectionable statements, that aggravated the situation. Hence, a new departmental proceeding has been initiated against the present petitioner instead of disposing of the appeal which is pending before him. It will not be appropriate for the DIG, Railway, Bihar Patna to hear the present appeal on the fact that it is he who has passed the order of punishment and at whose instance, a fresh departmental proceeding has been initiated.

In such view of the mater, the matter is remanded back. Let the another DIG, Railway, Bihar would hear the appeal of the petitioner and pass order in accordance with law without being prejudiced of new departmental proceeding has been initiated against the petitioner. He is also obliged to give personal hearing or hearing through his representative before passing the order preferably with the period of eight weeks.

With the aforesaid observations and direction, this writ petition is disposed of. I.A. No.6189 of 2018 is also disposed of in the manner that the fact mentioned in that I.A. be treated to be a part of the writ application.

sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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(Shivaji Pandey, J)

