

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3665 of 2016

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Shamima Parween Wife of Md. Abdul Khair Alam, Resident of Mohalla-
Alipur, Police Station - Buniyadganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
3. The Additional Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
4. The Joint Secretary-cum-Conducting Officer, Department of Social Welfare, Govt. of Bihar, Patna.
5. The Director I.C.D.S. Department of Social Welfare, Govt. of Bihar, Patna.
6. The Assistant Director, Directorate, I.C.D.S., Department of Social Welfare, Govt. of Bihar, Patna.
7. The District Programme Officer, Department of Social Welfare, Aurangabad.
8. The Sectional Officer-01-cum- Presenting Officer, Department of Social Welfare, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Respondent/s : Mr.P.N. Shahi- Aag10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-05-2019 Heard counsel for the petitioner and counsel for the respondents.

Issues raised by counsel for the petitioner is total abdication of duty of appellate authority, while disposing off the appeal of the petitioner under order dated 07.08.2015.

Prima facie, submission of counsel for the petitioner is correct. Detailed and elaborate appeal of the petitioner against the order of punishment dated 12.03.2015 purporting to withhold two increments with non-cumulative effect and denying salary to the petitioner for the period of suspension has been rejected by one line cryptic and non-speaking order dated 17.08.2015 which reads as follows:



"निदेशानुसार उपर्युक्त विषयक मामले के संबंध में आपके द्वारा प्राप्त अधिरोपित दण्ड 02 (दो) वेतनवृद्धि असंचयात्मक के संबंध में आपका पुनर्विचार आवेदन पत्र पर समीक्षोपरांत अस्वीकृत की जाती है।"

There is no consideration of the appeal whatsoever. Importance of assigning reason has been emphasized time and again by the court. Such an order by an appellate authority without any reason whatsoever reduces the forum of the appeal to an empty formality. The Apex Court in the case of Kranti Associates Private Limited and another vs. Masood Ahmed Khan and others reported in (2010) 9 Supreme Court Case page 496 has held requirement of assigning reason.

The order dated 07.08.2015 passed by the Appellate Authority is quashed and the matter is remitted to the Appellate Authority to pass reasoned and speaking order having regard to various issues raised by the petitioner in her appeal.

Writ petition is disposed off with the aforesaid observations.

(Madhuresh Prasad, J)

s.hassan/-

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