

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2661 of 2016

=====

Kumari Prem Lata Wife of Sheo Bhari Sharma Resident of Mohalla- A.P.
Colony Gaya, P.S.- Rampur, Town and District- Gaya ... **Petitioner**

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
 2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
 3. The Director, Department of Social Welfare, Government of Bihar, Patna.
 4. The Secretary, Department of Social Welfare, Government of Bihar, Patna.
 5. The Director, Integrated Child Development Scheme, Bihar, Patna.
 6. The District Magistrate-cum-Collector, Gaya.
 7. The District Programme Officer, Social Welfare-cum-Conducting Officer, Gaya.
 8. The Child Development Project Officer-cum-Presenting Officer, Manpur, Gaya.
- Respondents**

=====

Appearance :

For the Petitioner : Mr.Sanjay Kumar, Advocate
For the Respondents : Mr. A. Ujjwal, SC 25

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 04-04-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

The petitioner has been visited with minor punishment by order dated 26.8.2013 issued by the Director, Integrated Child Development Scheme (ICDS) under Rule 14(iv) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (herein after referred to as ‘the CCA Rules, 2005’). The same is a result of charge memo and enquiry. Action thereafter has been taken by the Disciplinary Authority



under Rule 18(5) of the Bihar CCA Rules, 2005.

The issue raised by the petitioner's counsel is that subsequently by order dated 6.1.2014 issued by the Assistant Director, Integrated Child Development Scheme (ICDS) Directorate, Bihar he has been visited with a new penal consequence, i.e., withholding of salary for the period of suspension.

The said punishment, according to the petitioner's submission, is a new and additional punishment. Prior to the order directing for withholding of salary for the said period. The petitioner has not been issued any show cause. It is also submitted that such withholding of salary for the period of suspension was not a part of the punishment inflicted upon the petitioner by earlier order dated 26.8.2013 (Annexure 8 of the writ petition). In view of the said punishment being without any show cause or notice, learned counsel submits that the petitioner would be approaching the Secretary, Department of Social Welfare, Government of Bihar, Patna (respondent no.4) against the same.

In view of limited grievance of the petitioner which *prima facie* appears to be correct, the issue is remanded to respondent no.4 to take a final decision thereupon in accordance



with law by a reasoned and speaking order.

Petitioner's counsel submits that, if the petitioner so desires, he may file a comprehensive representation in support of his claim. Such representation is required to be filed within four weeks from today, along with copy of this order. Authority would be obliged to dispose of the same by a reasoned and speaking order within 3 months thereafter.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

Shashi

U			
---	--	--	--

