

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5189 of 2018

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Ram Sukhit Roy Son of Late Bhola Roy, Resident of Village-Mananpur
Sadukha, P.S.-Kanpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Finance Department, Old Secretariat, Patna.
3. The Additional Secretary, Finance Department, Old Secretariat, Patna.
4. The Special Secretary Cum Conducting Officer, Finance Department, Old Secretariat, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pratap Sharma
For the Respondent/s : Mr.Raghwendra Kumar- SC-22

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 26-08-2019 Heard learned counsel for the parties.

2. The petitioner is aggrieved by issuance of a second show cause notice dated 28.02.2018 in a departmental proceeding initiated against him. The petitioner is under suspension and he has already submitted his reply to the second show cause notice on 15.04.2019, a copy of which has been brought on record by way of Annexure-9 to the reply on behalf of the petitioner to the counter affidavit filed on behalf of the State of Bihar.

3. Assailing the second show cause notice, Mr. Pratap Sharma, learned counsel for the petitioner has contended that the entire disciplinary proceeding as well as the report of the



Inquiry officer stand vitiated as the petitioner was not given an opportunity to cross-examine the complainant. He submits that this plea has been taken by the petitioner in his reply to the second show cause notice.

4. A disciplinary authority exercises his quasi-judicial function while taking disciplinary action against an employee under him. If any such plea has been taken by the petitioner in a second show cause reply, the disciplinary authority has statutory duty to consider the same and pass appropriate orders, in accordance with the provisions under Bihar Government Servant (Control & Appeal) Rules, 2005.

5. This application is, thus, disposed of with an observation that let a decision be taken by the disciplinary authority on the petitioner's reply to the second show cause notice within two months from the date of receipt/production of a copy of this order. If the disciplinary authority failed to take a final decision in this regard within the stipulated time, the order of suspension shall stand revoked,

6. The interim order dated 30.03.2018 stands vacated.

(Chakradhari Sharan Singh, J)

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