

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2170 of 2020

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Anil Kumar Pandey Son of Hinchh Narayan Pandey Resident of Village- G.D. 262, Trivenipuram, P.O.- Jhunsi, District- Allahabad (U.P.) at present Village- Tiwaripur, P.O.- Dubawal, P.S.- Sarainayat, District- Allahabad (Uttar Pradesh).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Deputy Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief (Madhya), Water Resources Department, Government of Bihar, Patna.
4. The Officer on Special Duty, Water Resources Department, Government of Bihar, Patna.
5. The Chief Engineer, Water Resources Department, Balmiki Nagar, District- West Champaran, Bihar.
6. The Executive Engineer, Main Western Canal Division, Balmiki Nagar, District- West Champaran, Bihar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Rakesh Kumar Singh
For the Respondent/s	:	Mr. Sanjay Prasad, AC to (Aag4)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2020 Counsel for the petitioner is permitted to implead the Principal Secretary, Water Resources Department, Government of Bihar, as respondent No. 7 to the writ petition.

Petitioner being a Junior Engineer was accused of some irregularities in execution of some project under his jurisdiction and embezzlement arising therefrom. On that account he was subjected to an enquiry and has been visited with an order of dismissal from service dated 6.8.2019 bearing Memo no. 1654 issued by the Under Secretary to the Government of Bihar in the Water Resources Department.



Learned Senior Counsel representing the petitioner submits that the order is illegal as it has taken into consideration certain technical reports without affording the petitioner adequate opportunity of defending himself. It is his submission that the findings are fully unfounded and without resorting to the procedures prescribed. Raising his grievance against falsity of the charge and irregularities in the procedure adopted by the Enquiry Officer and Disciplinary Authority he has filed an appeal before the Principal Secretary, Water Resources Department on 27.8.2019.

The provisions contained in the Bihar CCA Rules, 2005 do not permit filing of appeal when order of punishment has been passed at the level of the Government. Rule 24(2) of the Rules however prescribes a review by way of memorial. The petitioner has raised all his grievances in his so called appeal dated 27.8.2019. This Court would therefore observe that interest of justice would be served if the same is considered as a memorial under Rule 24(2) of the Bihar CCA Rules, 2005 by respondent No. 7.

Let the same be considered and disposed of by a reasoned and speaking order in accordance with law expeditiously without any undue delay.

The writ application stands disposed of.

(Madhuresh Prasad, J)

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