

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6624 of 2022

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Vijoy Kumar, son of Late Sita Ram Kumar, Resident of village-Itwa, P.O.-
Dumri, P.S.-Singhaul, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Govt. of Bihar, Patna.
2. The Special Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Joint Secretary, Department of Health, Govt. of Bihar, Patna.
4. Sri Shankar Prasad, the Officer on Special Duty, Department of Health,
Govt. of Bihar, Patna.
5. The District Magistrate, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nikesh Kumar, Advocate Kamal Nayan Choubey, Sr. Advocate
For the Respondent/s	:	Mr. Binod Kumar Yadav, SC 18 Mr. Aditya Nath Jha, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 19-05-2022

Heard learned counsel for the respective parties.

2. In the instant petition, petitioner has prayed for the
following relief/reliefs:

“(i) For issuance of a writ in the nature of
certiorari quashing the punishment order as contained
in Memo No. 315 (9) dated 27.6.2021 (Annexure – 11)
passed against the petitioner without conducting proper
departmental proceeding by the Conducting Officer as
appointed by Memo No. 1012 (9) dated 21.09.2017 as



postulated in the service Rules as the compliance of Rule 17 of the CCA Rules has not been complied with, and by virtue of the aforesaid punishment order dated 27.6.2021 against the rule of natural justice the respondents have inflicted punishment of withholding his entire gratuity and entire payable pension in the guise of Rule 43(B) of Bihar Pension Rules 1950.

(ii) For issuance of a writ in the nature of mandamus directing the Respondent No. 1 to consider and passed appropriate order of the appeal filed by the petitioner on 19.08.2021 (as contained in Annexure 12) which has been sent to Respondent No. 1 by speed post on 23.08.2021 annexing all relevant material submitted therein that the punishment order dated 26.7.2021 (the impugned order) by which entire gratuity and entire pension of the petitioner has been forfeited without following Rule 17 of the Bihar CCA Rules and more over the petitioner has been punished for that offence which he has never done and also the petitioner has not been afforded reasonable opportunity to take part in the departmental proceeding before the conducting officer as no evidence has ever been adduced in the proceeding by the Presenting Officer.

(iii) For issuance of appropriate writ or order in the peculiar facts and circumstances of the present case to which the writ petitioner may be found



entitled by this Hon’ble Court including all pecuniary loss suffered by the petitioner due to the operative of the aforesaid impugned orders dated 27.6.2021.”

3. Petitioner was subjected to disciplinary proceedings and it was concluded in imposition of penalty on 27.06.2021. Feeling aggrieved and dissatisfied with order of penalty, petitioner preferred appeal before the appellate authority on 19.08.2021 and it is pending consideration before the appellate authority. Therefore, the appellate authority is hereby directed to decide the petitioner’s appeal dated 19.08.2021 within a period of four months from the date of receipt of this order.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	20.05.2022
Transmission Date	

