

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.248 of 2021

In
Civil Writ Jurisdiction Case No.4448 of 2016

Prakash Kujur, S/o Late Dhanjit Uraon, R/o Rambag Driver Tola, Driver, P.O. Purnea, P.S. Sadar Purnea, District-Purnea (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. R.K.Mahajan, the Principal Secretary, Vigilance Department, Government of Bihar, Patna.
3. Mr. Sunil Kumar Jha, the Additional Director-General of Police, Vigiloance Bureau of Investigation, Bihar, Patna.
4. Mr. Ravindra Kumar, the Deputy Inspector General of Police, Vigilance Investigation Bureau, Bihar, Patna.
5. Mr. Amjad Ali, the Superintendent of Police, Vigilance Investigation Bureau, Bihar, Patna.
6. Mr. Anjani Kumar, the Deputy Superintendent of Police, Vigilance Investigation Bureau, Bihar, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Brisketu Sharan Pandey, Advocate
For the Opposite Party/s :	Mr. Lalit Kishore (AG)
	Mr. Anil Singh, Advocate
	Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 21-09-2022 The petitioner has alleged disobedience of this Court's order dated 13.09.2019, passed in CWJC No. 4448 of 2016, operative portion of which reads as under :-

"17. Before I part with the present judgment and order, I must indicate that I have taken note of the manner in which the Disciplinary Authority has passed order imposing punishment of dismissal from service on the basis of the report of the Inquiry Officer. It is evident from the materials on record that the petitioner was supplied the report of the



Inquiry Officer whereafter he had submitted his response to the Disciplinary Authority so as to convince him that the report of the Inquiry Officer did not deserve to be accepted. The Disciplinary Authority, in my opinion, was duty bound to consider the petitioner's response to the report of the Inquiry Officer before accepting the report. Consideration is completely lacking. This observation I have made to forewarn the Disciplinary Authority to be cautious if any decision is to be taken again against the petitioner in the present departmental proceeding, which is being remanded back to the Disciplinary Authority to proceed in the departmental proceeding afresh after appointing a presenting officer.

18. Consequent upon quashing of the order of dismissal, the petitioner will be required to be reinstated in service forthwith. It will be, however, open for the Disciplinary Authority to treat the petitioner under suspension under Rule 9(5) of the Rules for the purpose of conclusion of the departmental proceeding. The Disciplinary Authority is directed to ensure that the departmental proceeding is concluded expeditiously and in no case beyond a period of two months from the date of receipt/production of a copy of this order. If, in the meanwhile, the criminal case concludes, it shall be open for the Disciplinary Authority to pass appropriate orders in accordance with law."

It is not in dispute that in compliance of the said order of this Court the petitioner has been reinstated in service and for the purpose of conclusion of departmental proceeding he was placed under suspension. The disciplinary proceeding has now concluded and again punishment has been imposed in the disciplinary proceeding. The petitioner



had preferred an appeal against the order of the Disciplinary authority before the Appellate Authority, which too has been dismissed.

It is accordingly the stand on behalf of the opposite parties that this Court's order, violation of which has been complained in the present application, has been fully complied with.

It is, however, submitted on behalf of the petitioner that contrary to clear observation in paragraph 17 of the said order of this Court that the Disciplinary Authority is duty bound to consider the petitioner's response to the report of the Enquiry Officer before accepting his report, again the Disciplinary Authority has committed the same illegality and has not considered the petitioner's response to the enquiry report. He contends accordingly that non-consideration of the petitioner's response to the enquiry report amounts to deliberate disobedience of this Court's order.

I am not convinced with the said submission advanced on behalf of the petitioner for the purpose of initiation of contempt proceeding against the concerned opposite party. The order of this Court cannot be said to have been willfully disobeyed. If the petitioner is aggrieved by any



decision of the Disciplinary Authority, he has the liberty to approach the appropriate forum challenging the said order, in accordance with law.

The contempt proceeding stands dropped.

(Chakradhari Sharan Singh, J)

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