

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23094 of 2013

=====

Indradeo Paswan S/O Late Jagdeo Paswan Resident Of Village- Mahmuda
Saksohra, P.O and P.S- Saksohra, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Agriculture Production Commissioner,
Department of Agriculture, Government of Bihar, Patna.
2. Secretary Department Of Agriculture, Government Of Bihar, Patna.
3. Deputy Secretary, Department Of Agriculture, Government Of Bihar, Patna.
4. The Under Secretary, Department Of Agriculture, Government Of Bihar,
Patna.
5. The Director, Agriculture Department Of Agriculture, Government Of Bihar,
Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shiv Kumar, Adv.
For the Respondent/s : Mr.Ajay Bihari Sinha, GA-8
Ms. Kalpana, AC to GA-8

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 02-08-2023

The present writ petition has been filed for quashing the notification dated 14.8.2013, issued by the Under Secretary, Department of Agriculture, Government of Bihar, Patna, i.e. the Respondent No. 4, whereby and whereunder the petitioner has been inflicted punishment of withholding of two increments with non-cumulative effect and has also been censured. The petitioner has also prayed for grant of all the consequential



benefits, in case the said notification dated 14.8.2023 is quashed.

2. The brief facts of the case, according to the petitioner, are that while the petitioner was posted as District Agriculture Officer, Madhepura, a letter dated 2.1.2008 was issued under the signature of the Under Secretary, Department of Agriculture, Government of Bihar, Patna, by which the petitioner was asked to file his explanation within 15 days. In the said letter dated 2.1.2008, it had been alleged that the Company supplying seeds had made delayed supply of seeds and the seeds were not distributed in time, resulting in rotting of the seeds, which, in turn, had caused loss to the agriculturists and they had been precluded from the benefit of being given seeds free of cost. The petitioner had filed his reply / explanation to the aforesaid letter dated 2.1.2008, explaining therein that he had no role to play in the alleged occurrence, whereafter an Enquiry Committee was constituted and then, the petitioner was inflicted punishment, of withholding of two annual increments with non-cumulative effect as also he was censured, vide order dated 19.9.2008. The said order dated 19.9.2008 was challenged by the petitioner, before this Court, by filing a writ petition bearing CWJC No. 521 of 2012 and the same was quashed, by an order dated



6.2.2012, passed by a coordinate Bench of this Court on the ground that the impugned order dated 19.9.2008 simply states that the explanation of the petitioner is not satisfactory and without furnishing of any reasons, the petitioner has been inflicted with the punishments, as aforesaid. In such view of the matter, a coordinate Bench of this Court, vide order dated 6.2.2012, while quashing the impugned orders dated 19.9.2008 and 24.2.2011 (appellate order), had remanded the matter back to the disciplinary authority to proceed afresh, in accordance with law, from the stage, the petitioner has filed his reply to the show cause notice.

3. The learned counsel for the petitioner has submitted that again the Respondent No. 4 has passed an identical order dated 14.8.2013, which again does not spell out the reason for rejection of the explanations furnished by the petitioner, thus, it is submitted that the said order dated 14.8.2013 is not only illegal and arbitrary, but also in the teeth of the earlier order of this Court dated 6.2.2012, hence, is fit to be set aside.

4. The learned Senior Counsel for the Respondent-State has though argued for sometime, but has not been able to defend the impugned order dated 14.8.2013, inasmuch as the same is not only cryptic but has also been passed in the teeth of the earlier



order of this Court dated 6.2.2012 and the Respondent authority i.e. the Respondent No. 4 has again committed the same mistake, as was committed while passing the earlier orders dated 19.09.2008 and 24.02.2011.

5. Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, this Court finds that the present impugned order dated 14.8.2013 is identical to the earlier order dated 19.9.2008 and does not furnish any reason, whatsoever, for rejecting the explanation, furnished by the petitioner and moreover, is contemptuous in nature, inasmuch as the same is in teeth of the earlier order of this 6.2.2012, hence, is quashed, however, the Respondents are precluded from proceeding any further in the matter, inasmuch as the petitioner has already been harassed beyond limits by the aforesaid acts of the Respondents, who have been acting illegally and litigating the matter since the year, 2008 in an unscrupulous manner as also have violated the earlier order of this Court dated 06.02.2012.

6. It goes without saying that the consequential benefits, as a result of quashing of the impugned order dated 14.8.2013, shall be granted and paid to the petitioner within a period of eight weeks from today, failing which the Respondent Nos. 2 to 5



shall not draw their salary.

7. The present writ petition stands allowed.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2023
Transmission Date	NA

