

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1824 of 2018**

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Anil Kumar Mandal S/o Late Mahendra Modi, Resident of Village- Nawada,  
P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Administrator, Bihar State Road Transport Corporation, Parivahan Bhawan, Patna.
2. The Divisional Manager, Bihar State Road Transport Corporation, Bhagalpur.
3. The Depot Superintendent, Jamui Depot, Bihar State Road Transport Corporation.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner | : | Mr.Dhirendra Kumar Jha |
| For the BSRTC      | : | Mr.Suman Kumar Jha     |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      04-01-2023                      This writ application has been filed for following  
reliefs:-

“(i) For quashing the office order no. 127/2015 bearing Memo No. 658 dated 11.06.2015 issued by Respondent No. 2 whereby and whereunder the petitioner has been found to be partially guilty and an award of punishment of warning has been issued against him.

(ii) For directing the respondent authorities to make payment of full salary to the petitioner for the period he remained under suspension.

(iii) For any other relief or reliefs for which the petitioner may be found entitled in the facts and circumstances of the case.”



Short fact, as stated in the writ petition, is that while the petitioner was working as counter clerk in Jamui Depot of the Bihar State Road Transport Corporation, he was put under suspension by the office order no. 66/2014, bearing Memo No. 380 dated 13.03.2014 issued under the signature of the Divisional Manager, Bihar State Road Transport Corporation, Bhagalpur. The aforesaid order of suspension dated 13.03.2014 contemplated a departmental enquiry, for which, chargesheet was issued separately and the headquarter was fixed as Jamui Depot and, petitioner was served letter no. 734 dated 04.06.2014 by which he was directed to hand over charge. Thereafter, the suspension of the petitioner was revoked, vide Office Order No. 179/2014, bearing Memo No. 949 dated 18.07.2014, however; the departmental proceeding remained continued. On 02.09.2014, a chargesheet was served upon the petitioner and he was directed to furnish a show cause within three days as to why his services may not be terminated for the disobedience of the order and non-cooperation with the Audit Team. The petitioner furnished his show cause on 09.09.2014 (Annexure 8), in which, he explained that he has already complied the direction of the Audit Team, but after a long time, vide office order no. 127/2015, bearing Memo No. 658 dated 11.06.2015, petitioner



was found partially guilty and was given a warning to be careful in future (Annexure 10).

Submission on behalf of the petitioner is that impugned order of punishment has been passed without considering the show cause reply of petitioner. In the entire impugned order, there is no discussion about the show cause explanation given by the petitioner. No reason has been assigned as to why explanation given by the petitioner was not found acceptable to the concerned authority. In other words, the impugned order is non-speaking and without application of judicial mind.

However, learned counsel for the respondents opposed the prayer of the petitioner and submitted that the warning does not come under minor or major punishment and as such, it cannot be termed as punishment and therefore, no interference is required by this Court.

Fact remains that since the petitioner has not been punished or any minor / major punishment has been awarded to him, no order is required to be passed by this Court. However, considering the fact that salary of the petitioner for the period of suspension has not been paid to him, the concerned respondent is directed to consider the same in the light of the fact that



petitioner has not been awarded any punishment.

In view of aforesaid facts and circumstance, the writ petition is disposed of granting liberty to the petitioner to approach before the competent authority within a period of four weeks from today by filing a representation alongwith copy of this order. If such representation is filed, the concerned respondent shall pass appropriate order in accordance with law within a period of four weeks from the date of filing representation by the petitioner.

**(Prabhat Kumar Singh, J)**

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