

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11823 of 2012

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Chandra Bhushan Prasad S/O Late Rajkeshwar Sharma R/O Road No. 16,
Rajiv Nagar, P.S.- Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Old Secretariat Building,
Patna
2. The Secretary Road Construction Department, Visheshwaraiya Bhawan,
Patna
3. The Deputy Secretary-Cum-Chief Vigilance Officer Road Construction
Department, Visheshwaraiya Bhawan, Patna
4. The Chairman, Authorised Committee Road Construction Department,
Visheshwaraiya Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Respondent/s : Mr. Ajay Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-12-2023 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The present writ application has been filed for
quashing the order dated 14.08.2009 passed by the Deputy
Secretary, Vigilance, Road Construction Department and also
for quashing the order dated 18.03.2010 passed by Road
Construction Department.



3. The petitioner was initially appointed as Assistant Engineer, NH Division at Hajipur. On 17.07.2006, the Flying Squad, Division-II, Road Construction Department after inquiring in the construction of work submitted a report and they have found certain lapses which was mentioned in the report and they have send for Laboratory Test and thereafter they have come to conclusion that the certain irregularity was done in the construction work in question and due to laches on the part of the petitioner, the petitioner was put under suspension for alleged irregularity in the matter of construction of road in NH 77.

4. Thereafter, a departmental proceeding was initiated against the petitioner and 'Prapatra-Ka' had been handed over to the petitioner in which six charges were levelled against the petitioner with regard to compromise with the specification of construction work and referring to certain loop-holes and damages road allegation was levelled against the petitioner that he is only person who was accountable for irregularity in the construction work.

5. The petitioner had replied and submitted his representation alleging therein that the charges levelled against him is false and petitioner is not liable for the same and after



departmental enquiry the Conducting Officer had submitted the report to the department vide letter dated 24.01.2007 and the department has asked second show-cause to the petitioner on 08.01.2008. Thereafter, the petitioner has submitted the reply to the second show-cause on 24.01.2008 and after considering the second show cause submitted by the petitioner the Department had proposed punishment of reduction to the minimum scale of pay and payment of only subsistence allowance for the suspension period and the same punishment was referred to the Bihar Public Service Commission for its concurrence and the Commission concurred the proposed punishment vide its letter no.1028 dated 30.07.2009 and after the consent of the BPSC, the punishment order was issued vide notification no.8775(s) dated 14.08.2009.

6. Learned counsel for the petitioner submits that the punishment imposed is harassed punishment, the court may interfere and reduce the punishment as awarded in the proceeding.

7. Learned counsel for the State on the other and referring the counter affidavit and submits that there is no merit in the impugned order and after due process and follow all the procedure as required under the law the punishment order has



been passed against the petitioner and there is no illegality or infirmity in the impugned order.

8. Accordingly, no merit in the writ petition, the writ petition is dismissed.

(Rajesh Kumar Verma, J)

Prakash Narayan

