

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4578 of 2021

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Rajdeo Prasad S/o Late Rampati Prasad Village- Ajwan (Bazar Par), P.O.-
Ajwan, P.S.- Naubatpur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. The Pr. Secretary Water Resources Department, Government of Bihar, Patna.
3. The Additional Pr. Chief Secretary Water Resources Department,
Government of Bihar, Patna.
4. The Joint Secretary Cum Director Land Acquisition and Rehabilitation,
Water Resources Department, Government of Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Jayant Kumar Karn, Advocate
For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA 2.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 02-02-2023 Writ petition has been filed for quashing order dated 25.6.2009 (Annexure P/1), passed by the Disciplinary Authority imposing punishment of stoppage of leave encashment, salary on account of his unauthorized absence at Chapra office and stoppage of payment of Final Pension/Gratuity except payment of provisional pension/Gratuity. Appellate order dated 7.1.2019 (Annexure P/4) has also been challenged by the petitioner with further prayer to release the rest amount of pension, gratuity, leave encashment and stopped salary with statutory interest thereupon. Petitioner has also prayed for grant of compensation for the loss caused to him due to denial of commutation of pension on the basis of erroneous disciplinary proceeding.



It is submitted on behalf of the petitioner that impugned order dated 25.6.2009 (Annexure P/1) is a non-speaking order. It does not take into account the points taken by the petitioner in his reply to the show cause. It has only been mentioned in the impugned order that no new fact was disclosed by the petitioner in his reply to show cause notice and the reply merely mentioned the same facts which were narrated by him in his explanation submitted earlier.

Per contra, learned counsel for the State submits that in the light of the enquiry report and other materials available on record it was found that the petitioner has not adduced any new evidence or fact to prove his innocence and therefore all the charges stood proved against the petitioner and order of punishment was passed.

Heard learned counsel for petitioner, the State and perused the materials on record.

Order imposing penalty is quasi judicial in nature and it should be reasoned and speaking. In this case, order of punishment does not contain any reason for arriving at the findings and failure to do so, vitiates the order. However, from perusal of the records, it appears that petitioner has already retired on 31.12.2007 and by now he is aged about 75 years and



in that view of the matter it would not be proper to remand the matter to the Appellate Authority.

As such, order of punishment dated 25.6.2009 as well as appellate order dated 7.1.2019 are hereby quashed with all consequential benefits to be given to the petitioner within a period of three months from the date of receipt of a copy of this order, keeping in view old age of the petitioner .

Writ petition stands allowed in the aforesaid terms.

(Prabhat Kumar Singh, J)

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