

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.311 of 2020**

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Umesh Prasad Singh Son of Sri Budhadeo Prasad Singh Resident of Mohalla-  
Gosain Tola (Gosian Tola), P.O. and P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Secretary-cum-Special Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Central Design, Research and Quality Control, Water Resource Department, Water Resources Building, Anishabad, Patna.
5. The Director-cum-Conducting Officer, Dam Safety Cell, Water Resources Department, Water Resources Building, Anishabad, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Ms. Anita Kumari

For the Respondent/s : Mr. Anjani Kumar (Aag4)

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

13    02-01-2023                      This writ application has been filed on behalf of the  
  
petitioner for the following reliefs:-

1. For issuance of an appropriate writ in the nature of  
Certiorari for quashing the order dated 26.10.2019 issued under  
the signature of the Respondent No. 4 and contained in his  
Memo No. 1201 dated 26.10.2019, whereby and whereunder he  
has been pleased to dismiss the petitioner from service.

2. For issuance of an appropriate writ in the nature of  
Certiorari for quashing the enquiry report dated 12.09.2019  
submitted by the Respondent No. 5 on the basis whereof the  
petitioner has been dismissed from his service by the



Respondent No. 4 on the ground that the said enquiry report was submitted by the respondent No. 5 without conducting the enquiry according to the procedure prescribed under Rule-17 of the Bihar CCA Rules, 2005.

3. For issuance of an appropriate writ in the nature of Certiorari for quashing the charge-sheet dated 12.07.2019 issued under the signature of the Respondent No. 4 on the ground that it is not a charge-sheet at all in the eye of law as it does not satisfy the requirement of Sub-Rule 4 of Rule-17 of the Bihar CCA Rules, 2005 on the ground that in the charge-sheet there is no list of documents and witnesses by which each article of charge was prepared to the sustained.

4. For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the Respondent Authorities for reinstatement of the petitioner in service with full back wages from the dated when he was placed under suspension after deducting the amount of subsistence allowance already paid to the petitioner as also for a direction to the Respondents to continue to pay the future salary in accordance with law.

5. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner



would be found entitled under the facts and circumstances of the case.

Petitioner has challenged the impugned order on various ground. One of the ground of attacks is that his reply to the second show-cause notice was not considered by the disciplinary authority before imposition of punishment which is in violation of Rule 18(4) of the Bihar C.C.A Rules, 2005.

From the record it appears that on 28.03.2022 counsel for the respondents was specifically directed to get instruction from the disciplinary authority as to whether before imposition of penalty, the disciplinary authority has considered petitioner's reply to the second show cause notice.

Pursuant to the order of this Court, respondent No. 4 has filed a counter-affidavit wherein in paragraph 6 it has categorically been stated that there is no discussion of the reply of the petitioner to the second show-cause notice in the impugned order of punishment.

In view of the averment made in counter-affidavit, impugned order contained in Memo No. 1201 dated 26.10.2019 (Annexure- P-25) is hereby set aside, as the same is in complete violation of Rule 18(4) of the Bihar C.C.A Rules, 2005.

However, official respondents are at liberty to pass a



fresh order considering the second show-cause reply of the petitioner within a period of 2 months from the date of receipt of copy of this order.

**(Prabhat Kumar Singh, J)**

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