

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5876 of 2020

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Shatrughan Prasad Singh Son of Parikshan Singh Resident of Sahbajpur, P.S.-
Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary, Building Construction Department,
Government of Bihar, Patna.
2. The Chief Engineer, (North) Building Construction Department,
Government of Bihar, Purnea.
3. The Superintending Engineer Building Construction Department, Building
Circle, Purnea.
4. The Executive Engineer Building Construction Department, Building
Division, Purnea.
5. The Executive Engineer Building Construction Department, Building
Division, Kishanganj

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sourendra Pandey, Adv.
	:	Mr. Nalin Vilochan Tiwary, Adv.
For the Respondent/s	:	Mr. Amit Prakash (GA13)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 09-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Counsel for the petitioner submits that the present writ petition has been filed for setting aside the order dated 15.01.2020 passed by the Chief Engineer (North), Building Construction Department, Bihar Patna as contained in Memo No.148 dated 15.01.2020 (annexure-15) and further to quash the order dated 10.06.2014 (annexure-12) passed by the Superintending Engineer-cum- Disciplinary Authority by which



punishment has been imposed upon the petitioner for dismissal from service under Rule 14(X) of the Bihar CCA Rules, 2005 on account of charges for taking illegal gratification of Rs.1000/-.

3. Counsel further submits that enquiry report dated 09.04.2014 contained in Memo No.767 by which charges have been alleged to be proved. He further submits that the petitioner has earlier moved before this Hon'ble Court in C.W.J.C. No.5718 of 2019 in which liberty was granted to the petitioner to prefer appeal and thereafter, the petitioner has preferred appeal and his appeal was rejected therefore the petitioner has challenged both the orders passed by the Disciplinary Authority as well as Appellate Authority.

4. Counsel further submits that from the bare perusal of the order passed by the Disciplinary Authority, it become crystal clear that the enquiry officer reached on the conclusion and found the delinquent guilty of all charges without any materials on record and neither a single witness nor any documents have been considered. He also submits that charge memo has also defective. In the charge memo, no document and witness are mentioned. He further submits that the Disciplinary Authority in consonance with the enquiry report, has approved the order of the Enquiry Officer that the allegation of corruption



has been proved, but from the order of Disciplinary Authority contained in Memo No.432 dated 10.06.2014 as well as the Appellate Authority contained in Memo No.148 dated 15.01.2020, it transpires to this Court that the authorities reached on the conclusion and found charges proved without consideration of any of the materials available on record. By virtue of proving those materials, mere statement which comes in the F.I.R., has been taken into consideration and intimation with regard to pre and post-trap memorandum has also been made, but those documents have not been placed before the enquiry officer.

5. Counsel for the State on the other hand submits that there is direct allegation against the petitioner that he has demanded Rs.1000/- and he has been caught red handed and from his possession, Rs.1000/- has been recovered. He further submits that the order passed by the Enquiry Officer, Disciplinary Authority and Appellate Authority are well reasoned order and there is no need of any interference.

6. Upon perusal of the documents as well as hearing the argument, this Court particularly relied on the judgment rendered in ***Roop Singh Negi Vs. Punjab National Bank & Ors.*** reported in ***(2009) 2 SCC 570*** where a clear finding has



been made that in the disciplinary proceeding, the enquiry officer has to analysis the matter being the quasi judicial officer independently and it transpires to this Court that there is no any independent material kept on record before the Disciplinary Authority. Hence, the orders contained in Memo No.432 dated 10.06.2014 as well as Memo No.148 dated 15.01.2020 are hereby set aside.

7. It is made clear that liberty is hereby granted to the State to initiate the departmental proceeding afresh, but entire matter has been directed to conclude and proceed in accordance with law within 6 months from the date of production of the order.

8. With the aforesaid directions and observations, the present writ application is hereby allowed.

(Dr. Anshuman, J.)

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