

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4567 of 2020

Abhiram Trivedi Son of Sri Ram, Balak Trivedi, Resident of Pathakpuri,
Bibiganj, Ward No.7, P.O.-Bhagwanpur, P.S.-Sadar, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Home Department, Govt. of Bihar, New Secretariat, Patna.
3. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Additional Secretary, General Administration Department, Govt. of Bihar, Patna.
5. The Joint Secretary-Cum-Director, Administration, Home Jail Department, Govt. of Bihar, Patna.
6. The District Magistrate, Vaishali at Hajipur.
7. The Superintendent of Police, Vaishali at Hajipur.
8. The Sub-Divisional Officer, Hajipur,-Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh, Adv.
For the Respondent/s : Mr.Md.Nadim Seraj (GP5)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed by the petitioner for setting aside the order contained in Memo No.8602 dated 27.06.2019 which was passed in gross violation of the observation made in the judicial order dated 01.04.2019 passed in C.W.J.C. No.12229 of 2014.



3. Counsel for the petitioner submits that the petitioner was punished earlier by order dated 16.06.2014 awarding censor and withholding of three increments without cumulative effect.

4. Counsel further submits that against the said order the petitioner has moved before this Hon'ble Court in C.W.J.C. No.12229 of 2014 which was allowed on 01.04.2019 in which the writ petition filed by the petitioner, was allowed to prefer memorial before the respondent authorities and respondent authorities were specifically directed to pass a reasoned and speaking order within 4 months from the date of receipt of production of copy of this order and in the light of the said decision, the petitioner has filed his representation vide Annexure 7 of the writ petition, raising all the points.

5. Counsel further submits that the said order which has been passed in compliance of the hon'ble Court's order, is dated 27.06.2019 contained in Memo No.8602 (impugned order). He submits that none of the points which has been mentioned in the memorandum of appeal, has been considered in the said order. There is no finding on the point of issuance of disagreement memo.



6. Counsel for the State on the other hand submits that in the pleadings, it has been mentioned that the review application has been considered meticulously by the respondent authorities and then, this order has been passed.

7. After going through the order impugned, it transpires to this Court that hon'ble Court has pleased to observe that:-

“In the event, memorial is submitted before the respondent authorities within the aforesaid period, this Court would except that the petitioner’s plea that the disciplinary authority has not assigned any reason for its disagreement with the findings of the Enquiry Officer, will be looked into by the authorities. Apart from that it would be open for the petitioner to raise any other issues.

Claim of the petitioner should be considered expeditiously and without raising the issue of memorial being barred by delay.”

But in the impugned order, the appellate authority has not considered the point which has been mentioned by the writ court. Hence, the order passed by the respondent authority contained in memo No.8602 dated 27.06.2019 is hereby set aside and he is directed to pass a fresh order considering all those points including the points of assigning/ non-assigning



any reason for its disagreement with the findings of the Enquiry Officer, within 90 days from the date of production of the order.

8. With the aforesaid direction, the present writ application is hereby allowed.

(Dr. Anshuman, J.)

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