

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8324 of 2016

Narendra Singh Son of Late Ram Keshwar Singh, Resident of village - Patnawan Kala, P.O. and P.S. Indrapuri, District - Rohtas at Sasaram, at Present posted as Warden at Supaul District Jail.

... .. Petitioner

Versus

1. The State of Bihar through Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General Prison and Correctional Services, Bihar, Patna.
4. The Deputy Inspector General Prison and Correctional Services Bihar, Patna.
5. The Superintendent, Central Jail Beur, Patna.
6. The Deputy Superintendent, Central Jail Beur Patna
7. The Assistantt Superintendent, Central Jail Beur, Patna.
8. The Superintendent, Central Jail, Buxar.
9. The Superintendent of Jail District Jail Supaul.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Naresh Chandra Verma, Advocate Mr. Ram Kumar Singh, Advocate
For the Respondents	:	Mr. Syed Hussain Majeed, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 12-02-2024 Heard Mr. Naresh Chandra Verma, the learned counsel for the petitioner and Mr. Syed Hussain Majeed, the learned counsel appearing on behalf of the State.

2. The present writ petition is filed for quashing the order dated 24.02.2016 (Annexure-12) by which the petitioner is inflicted punishments of:

- (i) censure ,
- (ii) withholding of one increment by cumulative effect, and
- (iii) non-payment of any amount except subsistence allowance for the period of suspension.



3. Learned counsel for the petitioner submits that from perusal of the order dated 24.02.2016, it appears that the order impugned is illegal, arbitrary and against the principles of natural justice.

4. Initially, the petitioner was appointed in jail service with effect from 13.12.2014, and he was posted at Beur Central Jail, Patna as a warden. When the petitioner was posted in Beur Central Jail as warden, some scuffle took place in the jail premises and due to the aforesaid incident, the petitioner was put under suspension on the same date because he was aware of the alcohol addiction of Patric Minz and despite knowing of fact, has assigned the duty of Patric Minz. Learned counsel for the petitioner further submits that petitioner has participated in the departmental proceeding and the Inquiry Officer has exonerated all the charges levelled against the petitioner. However, the disciplinary authority differing with the report of the Inquiry Officer has issued second show cause notice to the petitioner and after receiving of the second show cause notice, the petitioner has been inflicted with the aforesaid punishments. Learned counsel for the petitioner further submits that from bare perusal of the order dated 24.02.2016, it appears that the disciplinary authority has come to the conclusion on the basis



which was not a subject matter of the joint proceeding.

5. Learned counsel for the State, although he has filed the counter-affidavit and supplementary counter-affidavit, but his counter-affidavits are silent on the points that the petitioner has been inflicted with punishment which was not the subject matter of the departmental proceeding. He further submits that there is no discrepancy in the proceeding and the order impugned was passed in accordance with law.

6. It appears from the impugned order dated 24.02.2016 that the respondent no. 3 has passed the order which was not the subject matter of the departmental proceeding.

7. In view of the aforesaid, the order dated 24.02.2016 is set aside and the petitioner is entitled to all the concerned benefits and the respondents are directed to pay all the concerned benefits within a period of six weeks from the date of production of this order.

8. Accordingly, this writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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