

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17264 of 2015

Yogendra Prasad Son of Late Prabhu Prasad, resident of Mohalla- Mirasadan
Navtolia Jamalpur Road, P.S.- Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Urban Development and House Department, Bihar, Patna.
3. The Municipal Commissioner, Municipal Corporation, Munger, District-
Munger.
4. The Executive Officer, Municipal Corporation Munger, District- Munger.
5. The Municipal Manager-cum-Conducting Officer, Municipal Corporation,
Munger, District- Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anirban Kundu, Advocate
For the Respondent/s	:	Mr., K.N. Sahay, Advocate
		Mr. Sarvesh Kumar, Advocate
		Mr. Manoj Kumar, Advocate, AC to GP-24

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 19-02-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the Municipal Corporation,
Munger and the State.

2. The present writ petition has been filed for
challenging the order dated 26.05.2013 passed by the
respondent no.3 whereby all the retirement benefits except GPF
of the petitioner have been withheld on the basis of the three
charges which was proved against the petitioner in the
departmental proceeding.

3. Learned counsel for the petitioner submits that
from bare perusal of the Annexure-1, it appears that without



compliance of the Rule-18(3) of the CCA rules, the respondent no.3 has passed the Annexure-1 and he has not been asked to second show-cause notice before imposing the punishment against the petitioner.

4. In view of the aforesaid, the order dated 26.05.2013 is set aside and respondent no.3 is directed to issue second show-cause notice to the petitioner on the proposed punishment along with a copy of the inquiry report and after the reply of the second show-cause of the petitioner, further proceed in accordance with law and conclude the proceeding within a period of six months.

5. With the aforesaid observation, the writ petition is disposed of.

(Rajesh Kumar Verma, J)

Prakash Narayan

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