

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2360 of 2018**

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Lalji Singh Son of Late Dukhi Singh, Resident of Village- Medh, P.O.- Sirsi,  
P.S.- Chainpur, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The Director Panchayati Raj, Bihar, Patna.
4. The Divisional Commissioner, Patna.
5. The District Magistrate, Kaimur Bhabhua.
6. The District Panchayat Raj Officer, Kaimur (Bhabhua).

... .. Respondent/s

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**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Viveka Nand Singh, Advocate |
| For the Respondent/s | : | Mr. Kumar Alok, SC-7            |
|                      |   | Mr. Prem Ranjan Raj, AC to SC-7 |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

**ORAL JUDGMENT**

**Date : 02-01-2024**

Heard learned counsel for the petitioner and  
learned counsel for the State.

2. This writ application has been filed for quashing the order dated 19.09.2017 passed by the respondent No.4 in Service Appeal No.770 of 2014 whereby the service appeal filed by the petitioner against the order dated 10.10.2014 passed by District Magistrate (Bhabhua)/respondent No.5 contained in Memo No.1829 has been dismissed.

3. The learned counsel for the petitioner submits



that in compliance of order dated 22.11.2023 a supplementary counter affidavit has been filed by the State which he has already received. Counsel for the petitioner consistently relied on his one pleading that memo of article of charge has not been served upon him and without said memo of charge the entire departmental proceeding has proceeded and, as such, the said departmental proceeding is in gross violation of natural justice and, therefore, the entire process are bad-in-law. Counsel further submits that in the original order passed by the disciplinary authority as well as in the appellate order passed by the Commissioner this aspect has not been considered. Counsel submits that for the first time this Hon'ble Court vide order dated 22.11.2023 has pleased to acknowledge the argument of the petitioner and directed the State to serve document, by which it transpires that article of charge has been actually served upon the petitioner. In this regard, the counter affidavit has been filed. But in the said counter affidavit, the proof of service of article of charge has not been annexed. Therefore, he submits that his argument is very clear that the copy of article of charge has not been served upon him and, hence, the entire original order as well as appellate order be set aside.

4. Learned counsel for the State, on the other



hand, submits that the copy of article of charge has been served upon the petitioner. He relied upon Annexure-U as well as Annexure-7 of the writ petition, in which the reply has been filed in the form of show-cause on the point of memo of charge. In these two annexures, there is no whisper made by the petitioner that he has not been served the charge memo. This point has not been taken either in Annexure-7 or in Annexure-U. As such, the only point on which the petitioner moved before the Hon'ble Court that charge memo has not been served is not appears to be correct.

5. Upon going through the original order as well as appellate order, it transpires to this Court that a detailed order with specified reasons the punishment order has been passed and, therefore, this Court is not inclined to interfere in the original order as well as appellate order. Accordingly, this writ petition is dismissed.

**(Dr. Anshuman, J)**

Mkr./-

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| AFR/NAFR          | NAFR       |
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