

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1775 of 2018

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Sunil Prakash Tiwary Son of late Jagdish Narain Tiwary, on the Post of M.V.I., at Darbhanga Resident of Village-Ashok Pakari, Police Station-Pipra, District-East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Transport, Government of Bihar, Patna.
2. The secretary, Department of Transport Govt. of Bihar, Patna.
3. The Transport Commissioner, Transport Department, Govt. of Bihar, Patna.
4. The Joint Commissioner Cum Secretary Cm Enquiry Officer, Departmental Proceeding, Regional Transport Authority Patna, Government of Bihar, Patna.
5. The Deputy Secretary, Transport Departmental, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lalit Kishore, Sr. Advocate
		Mr. Madhurendra Kumar, Advocate
For the Respondent/s	:	Mr. Rohitabh Das, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

13 18-03-2024 Heard learned Senior Counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed for quashing the 2nd show cause notice 04.12.2017 contained in Memo No.6091 by which Deputy Secretary, Transport Department, Government of Bihar, Patna (respondent No.5) asked 2nd show cause in the light of the enquiry report dated 03.10.2015 conducted by the Joint Commissioner-cum-Secretary-cum- Enquiry Officer, Departmental Proceeding,



Regional Transport Authority Patna (respondent No.4) in compliance of the order contained in Memo No.5540 dated 09.10.2014 issued by the Secretary, Department of Transport, Government of Bihar, Patna (respondent No.2) by which the respondent No.4 found the 1st charge leveled against the petitioner partially proved and 2nd charge leveled against him completely proved and recommended for major punishment.

3. Learned Senior Counsel for the petitioner submits that the apprehension is in the mind of the petitioner that the said departmental proceeding has been initiated which is full of bias. Counsel submits that petitioner had moved up to Hon'ble Supreme Court to defend himself. Counsel submits that he has filed the writ petition with a view to save the petitioner as there may be a probability that the disciplinary authority at the time of passing the final order may not consider all the points pleaded by him in the second show-cause.

4. Learned counsel for the State, on the other hand, submits that under the Bihar CCA Rules, 2005 the disciplinary authority is bound to pass order considering the show-cause as well as the materials available on record.

5. Upon considering the arguments of the parties, this writ petition is disposed off directing the respondent authority



(Disciplinary Authority) to pass a reasoned and speaking order within four months from the date of receipt/production of a copy of this order considering all the points which has been raised by the petitioner in his second show-cause and the materials available on record.

(Dr. Anshuman, J)

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