

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.563 of 2021

In
Civil Writ Jurisdiction Case No.13161 of 2019

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1. The State of Bihar through the Principal Secretary Water Resources Department, Government of Bihar, Patna.
 2. The Principal Secretary, Water Resources, Department, Government of Bihar, Patna.
 3. The Joint Secretary to Government, Water Resources Department, Government of Bihar, Patna.
 4. The Deputy Secretary to Government, Water Resources Department, Government of Bihar, Patna.
 5. The Conducing Officer cum Engineer-in-Chief, Water Resources Department, Government of Bihar, Patna.

... .. Appellant/s

Versus

Chandra Shekhar Paswan Son of Late Jageshwar Paswan, Resident of Village and P.O. Sahuri, Police Station- Birpur, District - Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sriram Krishna (A.C. To S.C.11)
For the Respondent/s : Mr.Durga Nand Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 01-04-2024

The present LPA is presented by the State in assailing the order of the learned Single Judge dated 03.07.2019 passed in CWJC No. 13161 of 2019. Respondent was subjected to disciplinary proceedings on certain charges. Charges were not proved in the inquiry proceedings. On perusal of the inquiry proceedings, disciplinary authority proceeded to disagree with the inquiry officer finding insofar as exonerating the respondent.



He had issued a show cause notice on 07.09.2017. Reading of the show cause notice, it is evident that on what issues disciplinary authority is disagreeing with the finding of the inquiry officer is not forthcoming and it is merely stated that lack of non-examination of certain documentary evidence. Disciplinary authority was required to take action under Rule 18 of Bihar CCA Rules 2005 which is action on the inquiry report in the proper spirit and language employed therein. Be that as it may, learned Single Judge remanded the matter to the disciplinary authority to pass fresh order in accordance with law. We find infirmity in the order of the learned Single Judge dated 03.07.2019 (para- 7 to 9). Disciplinary authority is hereby directed to take note of the language employed in Rule 18 of Bihar CCA Rules 2005 before acting on the inquiry officer report by which respondent has been exonerated to that extent order of learned Single Judge is modified. Accordingly, LPA stands disposed of.

2. At this stage, learned counsel for the appellants submitted that observations made in para 7 to 9 of the learned Single Judge, if it is taken into consideration in so far as remitting the matter to the State would be redundant. Therefore, para 7 to 9 whatever the observations made by the learned



Single Judge would not be a hurdle for the State-appellant to consider from the stage of Rule 18 of Bihar CCA rules 2005 i.e., on receipt of Inquiry officer's report. The above exercise shall be completed within a period of three months from the date of receipt of this Order.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
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