

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12514 of 2012

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Balmeeki Prasad Singh Son Of Sri Ram Kishun Prasad Singh Resident Of
Vill. P.O.- Bhadru, P.S.- Nagarnausa, Dist.- Nalanda

... .. Petitioner/s

Versus

1. Honble High Court Of Judicature And Anr
2. The District and Session Judge, Nawada
3. The State Of Bihar Through Law Secretary Old Secretariat, Bihar, Patna- 1

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate
	:	Mrs. Ritika Rani, Advocate
For the P.H.C.	:	Mr. Satyabir Bharti, Advocate
For the Respondents	:	Mr. Prabhat Ranjan Singh, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-02-2024 Heard Mr. Dinu Kumar, learned counsel for the

petitioner, Mr. Satyabir Bharti, learned counsel appearing on

behalf of the Patna High Court as well as, Mr. Prabhat Ranjan

Singh learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for
quashing the order issued vide no. 3996/Admn. Misc. dated
29th/30th March, 2012 passed in Departmental Appeal No. 78 of
2007 by the respondent no.1 and for quashing the Order No.
28/2010 dated 29.03.2010 passed by the respondent no.2.

3. Learned counsel for the petitioner outrightly
submits that without serving the copy of the enquiry report to



the petitioner, prior to awarding punishment and without giving any notice or opportunity to the petitioner, the respondent no.2 has directly awarded the punishment vide order dated 29.03.2010 (*Annexure-12*) thereafter the petitioner has filed departmental appeal before the respondent no.1 and respondent no.1 has confirmed the punishment of withholding of the two increments without cumulative effect. He further submits that without giving the second show cause notice and no opportunity has been given to the petitioner and the respondents have passed the punishment orders and the respondents cannot pass without giving second show cause notice to the petitioner.

4. Learned counsel for the Patna High Court, on the other hand, submits that the appellate authority has reduced the punishment as awarded by the respondent no.2 and the punishment order is minor punishment. So, there is no requirement of second show cause notice.

5. In my opinion, the order dated 29.03.2010 passed by respondent no.2 is without following the principle of natural justice, hence the same is set aside and the appellate order dated 29th/30th March, 2012 is also set aside and the matter is remitted back to the respondent no.2 to take a fresh decision after giving proper opportunity to the petitioner accordance with rule/law



and dispose of the proceeding within a period of three months.

6. Accordingly, the writ petition disposed of.

(Rajesh Kumar Verma, J)

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