

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14716 of 2013

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Anil Kumar Singh Son of Sri Suraj Nath Singh Resident of Village- Hans
Rajpur, P.S.- Ekma, District- Saran, Chapra

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Siwan, District-Siwan
2. The District Magistrate, Siwan, District-Siwan
3. The Deputy Development Commissioner, Siwan, District- Siwan
4. The Senior Deputy Collector-Cum-Inquiry Officer, Siwan, District- Siwan
5. The Sub-Divisional Officer, Maharajganj, District- Siwan
6. The Land Reforms Deputy Collector, Maharajganj, District- Siwan
7. The Block Development Officer, Daraundha Block, District- Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate
For the Respondent/s : Mr. Mahendra Prasad Verma, AC to SC-20

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 25-09-2025

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

2. The petitioner in the instant application has prayed for quashing the order contained in memo no.396 dated 14.3.2013 passed by the District Magistrate, Siwan whereby the petitioner was inflicted with the punishment of censure, stoppage of three increments with cumulative effect and non-grant of benefit under the ACP scheme. It was further ordered that the punishments be entered in the service book of the petitioner and the work of Nazir/Accountant should not be taken



from the petitioner.

3. The case of the petitioner in brief is that while the petitioner was posted as a Clerk in the office of the Block Development Officer, Block Daraundha, District Siwan, he was placed under suspension on 8.11.2010 and chargesheet starting a departmental proceeding was served on him on 27.12.2010. The petitioner filed his reply along with all relevant documents on 12.1.2011. The suspension of the petitioner was subsequently revoked by order dated 19.1.2011.

4. It is the case of the petitioner that after having filed the reply to the memo of charges mentioned in the chargesheet, the petitioner was not served with any show cause nor with a copy of the enquiry report. The respondents straightway came out with an order of punishment dated 14.3.2013, as stated above.

5. It is the categorical case of the petitioner that soon after the order of punishment, on 18.3.2013, the petitioner filed an application under the RTI Act requesting therein that he be supplied with the entire records of the departmental proceeding as also a copy of the entire report, however, the same has not been made available to the petitioner till date. The order of punishment having been passed without supplying a copy of the



enquiry report, the order of punishment passed is not sustainable and fit to be set aside. The respondents be directed to pay the entire salary for the period that the petitioner was kept under suspension.

6. In response, it is submitted by learned counsel appearing for the respondents in reference to the counter affidavit filed that the impugned order of punishment is legal, proper and has no infirmity. A perusal of prapatra 'ka' would show that the same contains seven charges of misconduct to which the reply furnished by the petitioner was found to be superficial. The petitioner is not entitled for any other amount besides the subsistence allowance for the period of suspension. There is no illegality in the order of punishment, no merit in the instant application and the same be dismissed.

7. Heard learned counsel for the parties and perused the material on record.

8. The main contention of learned counsel for the petitioner is that on completion of the enquiry by the conducting officer, a copy of the enquiry report not having been furnished to the petitioner and no show cause having been asked for with respect to the same, the order of punishment passed against the petitioner, which is impugned herein, is not sustainable and fit to



be quashed.

9. On perusal of the ordersheet, it transpires that this Court by its order dated 30.1.2023 directed the respondents to produce the original proceedings to verify whether the copy of the enquiry report was made available to the delinquent petitioner or not. The records were made available. Further as it transpires from the order dated 12.9.2025, on perusal of the original records, there was no evidence whatsoever of a copy of the enquiry report having been supplied/made available to the petitioner nor any show cause/letter having been written to the petitioner to give his reply to the show cause.

10. At this stage, it would be relevant to take note of the decision of the Hon'ble Supreme Court in the case of ***Managing Director, ECIL, Hyderabad and others vs. B. Karunakar and others, (1993) 4 SCC 727*** wherein it was held that the delinquent employee has a right to receive a copy of the enquiry report before the disciplinary authority arrives at its conclusions with regard to the guilt or innocence of the employee with regard to the charges levelled against him. It further held that a denial of the enquiry report before the disciplinary authority takes its decision on the charges is a denial of reasonable opportunity to the employee to prove his



innocence and is a breach of the principles of natural justice.

11. Coming to the facts of the instant case, a copy of the enquiry report has been brought on record in the supplementary counter affidavit filed on behalf of the respondent S.D.O., Maharajganj and the B.D.O., Daraundha. A perusal of the same would show that after giving a brief introductory facts of the case, the report has been prepared in three columns ie the first being the charge levelled, the second being the reply filed by the petitioner and the third being the opinion of the conducting officer. A bare perusal of the report would show that though various letters, diary numbers, enquiry report etc. has been relied upon, there is no mention as to how and by whom the documents/reports being relied upon by the conducting officer were proved and marked exhibits. It further transpires that no person was examined on behalf of the management to prove the charges and some of the defence of the petitioner have been rejected on the ground that no evidence in support of the same was produced by the petitioner.

12. Having perused the contents of the enquiry report and the manner in which the conducting officer has arrived at the finding that the charges have been proved, in the opinion of the Court, serious prejudice has been caused to the petitioner as



a result of non supply of a copy of the enquiry report before the respondents came out with the order of punishment dated 14.3.2013 (Annexure 1), impugned herein.

13. In view of the facts and circumstances as discussed herein above together with the ratio of the judgment in the case of **B. Karunakar** (*supra*), in the opinion of the Court, the order of punishment contained in memo no.396 dated 14.3.2013 passed by the District Magistrate, Siwan is not sustainable and is hereby set aside.

14. The respondents will pay to the petitioner the entire arrears of difference of salary for the period that he was kept under suspension, within a period of three months from the date of receipt/production of a copy of this order.

15. The writ application stands allowed with consequential benefits.

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.09.2025
Transmission Date	

