

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7449 of 2024

Pravin Kumar Son of Brajendra Narain, Resident of Rajajan, P.O.- Mansi,
P.S.- Mansi, District- Khagaria at present Residing at Flat No.- 107
Mansarovar Apartment Mahuabagh, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Joint Secretary Water Resources Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Irrigation Creation Water Resources Department Cum-Conducting Officer, Biharsharif.
5. Dy. Secretary of Govt. Water Resources Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Hriday Pd. Advocate
		Mr. Sangiv Kumar, Advocate
For the Respondent/s	:	Mr. Kamlesh Kishore AC to SC-12

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

4 07-02-2025 Heard learned counsel for the petitioner as well as
respondents-State.

2. This petition has been preferred by the petitioner
seeking following relief:

*“for issuance of appropriate writ,
order or direction to set aside the order of
dismissal dated 29.12.2023 (Annexure-P/15)
passed by the Dy. Secretary of Govt. Water
Resources Department, Bihar, Patna and for
grant of all consequential benefits including
reinstatement of petitioner from the date of
dismissal dated 29.12.2023.”*



3. Fact of the case is that the petitioner was initially appointed as Assistant Engineer in the Water Resource Department in August, 2008. In the year of 2017, when petitioner was posted as Assistant Engineer in Duda (District Urban Development Authority) Water Resources Department, Gaya a charge-sheet has been issued to him on 18.01.2017 i.e. Annexure P-1. The enquiry officer found charge no. 1 partly proved against the petitioner and also found charge no. 02 has not been proved. On the basis Enquiry Report i.e. Annexure-P/11, the disciplinary authority vide order dated 29.12.2023 Annexure P/15 dismissed the services of the petitioner. Appellate authority vide its order dated 22.07.2024 also affirmed the order passed by the disciplinary authority.

4. Learned counsel for the petitioner would submit that similarly situated one Assistant Engineer namely Virendra Kumar and one Mahendra Chaudhary Executive Engineer against whom also same charge has been proved but they have been implicated for punishment of withholding of increment for three years but in the case of petitioner the disciplinary authority passed the order of dismissal.

5. Learned counsel for the respondent-State opposes the argument raised by the counsel for the petitioner. However,



he fairly admitted the fact that the similarly situated Assistant Engineer namely Virendra Kumar against whom, the similar charges has been proved, the punishment has been given for withholding for three increments therefore on the ground of parity also petitioner may be punished for same.

6. Considering the submission made by both the counsels and further considering the fact that similarly situated officer namely Virendra Kumar as well as Executive Engineer Mahendra Chaudhary against whom the similar charge have been proved the disciplinary authority punished them for withholding the increment for the three years, it would be appropriate to dispose of the petition also giving liberty to the petitioner to make his fresh representation before the disciplinary authority. Accordingly, the order of dismissal dated 29.12.2023 Annexure P/15 and the order dated 22.07.2024 passed the appellate authority Annexure-P/22 are hereby set aside. The petitioner is directed to make his representation before the competent authority (disciplinary authority) within 15 days from today and in turn the disciplinary authority pass a fresh order taking into consideration the fact that two other similarly situated Officer against whom the similarly charge have been found proof where punished only withholding the



increment for three years, take a decision and pass fresh order
accordance with relevant rules and law, it will be done within 30
days from the submission of such representation. However,
petitioner is on liberty to file a fresh petition if occasion will
arises later on.

(Arvind Singh Chandel , J)

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