

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8008 of 2016

Pradeep Kumar Singh S/o Late Shiv Prasad Singh resident of Village Jehanabad P.S. Kudra, District - Bhabua Kaimur presently posted as Jt. Director, Agriculture Engineering Post Harvest at Mithapur, Agriculture Engineering Post Harvest at Mithapur, Agriculture Farm, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Under Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Water Resources, Government of Bihar, Patna.
4. The Under Secretary, Department of Agriculture, Government of Bihar, Patna.
5. The Deputy Secretary Department of Agriculture Government of Bihar, Patna.
6. The Additional Secretary, Department of Agriculture Government of Bihar, Patna.
7. The District Magistrate, Sitamarhi.
8. The Senior Deputy Collector, Sitamarhi.
9. District Accounts Officer, Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gouranga Chatterjee, Advocate
For the State : Mr. Deepak Sahay Jamvar, A.C. to A.A.G. 4

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 06-05-2025

Heard learned Counsel for the petitioner and learned
Counsel for the State.

2. In the instant writ petition, the petitioner has prayed
for the following reliefs:-

*“(i) For issuance of writ/order/ direction
including a writ in the nature of writ of certiorari for
quashing the order dated 31st December 2013 as
contained in letter no. 2 MOC-1-1/2009 issued under the
signature of respondent no.2 by which the petitioner after*



being relived from suspension was awarded a major punishment of stoppage of 4 increments with cumulative effect after being held guilty against the allegations of irregularity in purchase of tractor and insubordination of the superior authority under the National Agricultural Development scheme while working as Deputy Agricultural Director Sitamarhi without any full-fledged disciplinary enquiry, only on the basis of the show cause.

(ii) For issuance of writ/order/direction including a writ in the nature of mandamus commanding the respondents to make payment of the arrears of salary of the petitioner from July 2010 to 16/01/2011 i.e. till the time he was posted at Sitamarhi as per the direction of this Hon'ble Court passed in C.W.J.C. No. 2724/2011 and other consequential monetary benefits.

(iii) For any other relief/reliefs for which the petitioner is found entitled to on the facts and in the circumstances of the case.”

3. Learned Counsel for the petitioner submits that the petitioner was appointed as Senior Agriculture or Extension Officer through competitive examination held by the Bihar Public Service Commission on 11.02.1988 and was posted in Sarsama at Singhbhum. He submits that thereafter he was promoted to the post of Deputy Agriculture Director in Class-I service of Bihar Agricultural Services and was posted in the Agriculture Department, New Secretariat, Patna by order dated



06.06.2007.

4. Learned counsel further submits that the petitioner vide order dated 30.06.2010 contained in Memo No. 3758 issued by the Under Secretary, Department of Agriculture, Government of Bihar, was transferred and posted to Sitamarhi as District Agriculture Officer and he joined on the said post with effect from 07.07.2010.

5. Learned Counsel for the petitioner further submits that the District Magistrate, Sitamarhi vide his letter No. 2620(c) dated 04.11.2010 wrote a letter to the Principal Secretary, Department of Agriculture, Bihar, Patna for initiating a departmental proceeding against the petitioner on the ground that the petitioner purchased the tractor at a higher rate and for insubordination/ disregard of the order of the State Government under the National Agriculture Development Scheme. He further submits that the Deputy Secretary, Department of Agriculture called for an explanation from the petitioner and the petitioner has submitted his explanation within the stipulated period of time but no decision was taken for initiation of the departmental proceedings. Learned Counsel further submits that the Joint Director, Agriculture Tirhurt Division, Muzzafarpur vide his office order No. 127 contained in Memo



No. 1289 dated 9th November, 2010 directed to take a charge from the petitioner to the District Agriculture Extension Officer and handover the duty of the District Agricultural Officer, Sitamarhi. Learned Counsel for the petitioner submits that the petitioner represented against the said illegal action of the Joint Director, Agriculture Tirhut Division, Muzaffarpur but salary of the petitioner was illegally withheld rightly from July 2010. Thereafter, the petitioner has approached to this Hon'ble Court and this Hon'ble Court vide order dated 04.07.2011 in C.W.J.C. No. 2724 of 2011 has directed to do the needful and instead of complying with the direction of this Hon'ble Court, the Respondent No. 2 has issued a memo No. 530 dated 26.08.2011 directing to initiate the departmental proceedings against the irregularities committed by the petitioner and directed the petitioner to submit a show cause within 15 days.

6. Learned Counsel further submits that after submission of the explanation by the petitioner, Prapatra 'Ka' was prepared but the same has never been communicated to the petitioner, which is evident from letter No. 27C dated 05.01.2011 and letter No. 256 dated 29.04.2011. He submits that the petitioner was served with charge-sheet and without any full-fledged disciplinary proceedings, he was awarded a major



punishment of stoppage of four increments with cumulative effect only on the basis of show cause in hot haste and in complete violation of rule 14 & 17 of the Bihar CCA Rules, 2005.

7. The counsel further states that eight charges were framed against the petitioner, and he submitted his response (Annexure-9 of the writ petition) to the Enquiry Officer. However, the petitioner was never given an opportunity to appear before the Enquiry Officer for a formal hearing. Instead, he was directly served with a second show cause notice concerning the proposed punishment, along with the inquiry report, and was asked to respond within 15 days. Following this, a punishment order was issued on 31st December 2013 (Memo No. 329), signed by Respondent No. 2, which ended his suspension and imposed a penalty of withholding four increments with cumulative effect for the alleged irregularities.

8. Learned Counsel for the petitioner submits that the said Departmental proceedings has been conducted in complete arbitrary manner and there is a gross violation of Rules 17(4), 17(5), 17(14), 17(15), 17(16) and subsequently 18(5) of the Bihar CCA Rules, 2005. Learned Counsel further submits that the entire proceeding is in complete violation of



law which was subsequently challenged by the petitioner's before this Hon'ble Court.

9. Learned Counsel for the petitioner further submits that since the said proceeding has been passed in gross violation of the Rule laid down in CCA Rules, 2005 specifically mentioned in paragraph Nos. 18, 19 and 20 of the writ petition.

10. On the other hand learned counsel for the State submits that the entire proceeding has been made completely in accordance with law. The copy of the charge memo/show-cause/inquiry report/second show-cause has been submitted by the petitioner himself which is part of Annexure of writ petition, which indicates that the entire proceedings has been conducted, fulfilling the principles of natural justice. He submits that the petitioner was found guilty for doing irregularity in purchasing the tractors and in subordination of the National Agriculture Development Scheme while working as Deputy Director in Sitamarhi, Joint inquiry was made by three high officials and it was found that the account book, bank passbook and stock register maintenance has been done in most irregular way as the payment made prior for controversial purchased tractor was not approved by the concerned authority and not entered in the store book. It has also been alleged in the counter affidavit that,



maintenance of official documents and financial rules are flouted and on the basis of this report, the petitioner was awarded punishment of stoppage of four increment with cumulative effect by under Secretary, Government of Bihar for gross negligence in violation of rules, and therefore, counsel for State submits that the said punishment order is sustainable in the eye of law and the writ petition be dismissed.

11. Upon going through the pleadings in the writ petition, this Court is notably surprised by the contents of the counter affidavit. Specifically, the counter affidavit fails to address paragraphs 18, 19, and 20 of the writ petition, wherein the petitioner has alleged serious violations of Rules 17(4), 17(5), 17(14), 17(15), and 17(16) of the Bihar CCA Rules, 2005. For reasons best known to the State, they have chosen to remain silent on these crucial procedural lapses and have not offered any response whatsoever on this issue.

12. Upon examination of the charge memo, the inquiry report, and the final order, this Court finds that the mandatory procedural requirements stipulated under Rules 17(4), 17(5), 17(14), 17(15), 17(16), and 17(17) of the Bihar CCA Rules, 2005 have been entirely violated in the conduct of the disciplinary proceedings. Furthermore, the final order under



challenge is devoid of any reasoning and constitutes a blatant violation of Rule 18(5) of the said Rules.

13. In view of the gross procedural violations alleged by the petitioner in paragraphs 18, 19, and 20 of the writ petition, which have remained uncontroverted in the counter affidavit, it is a well-established principle of law that unchallenged averments are deemed to be admitted. In light of this, the Court is of the view that the disciplinary proceedings were conducted in clear contravention of the relevant provisions of the Bihar CCA Rules, 2005. Accordingly, due to these procedural lapses, the departmental proceeding initiated against the petitioner vide Memo No. 530 dated 26.08.2011(Annexure-6) as well as Memo No. 329 dated 31st December, 2013(Annexure-11), the impugned disciplinary proceedings are hereby quashed.

14. Accordingly, the present writ petition stands allowed.

(Dr. Anshuman, J)

Sudhanshu/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

