

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.160 of 2018

In
Civil Writ Jurisdiction Case No.20475 of 2010

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1. The State Of Bihar, through the Principal Secretary-cum-Appellate Authority Water Resources Department, Bihar, Patna.
 2. The Director, Land Acquisition and Rehabilitation Water Resources Department, Govt. of Bihar, Patna.
 3. The District Magistrate, Muzaffarpur.
 4. The Land Acquisition Officer, Muzaffarpur.
 5. The Special Land Acquisition Officer, Koshi Yojna, Saharsa.

... .. Petitioner/s

Versus

Anil Kumar Srivastava, Son of Late Ramji Prasad, resident of Village-Basheti, P.S.- Barauli, District- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, AC to GA-11
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 17-04-2025 Heard the parties.

2. The present appeal has been preferred for the grant of following relief:

“That this Review application is being filed on behalf of petitioners/Respondents for review of the order dated 10.08.2017 passed by the Hon'ble the Chief Justice (Mr. Justice Rajendra Menon as his lordship then was) in C.W.J.C. No. 20475 of 2010 whereby and where under the writ application filed by the allowed and impugned



order dated 20.05.2008 is quashed in the light of Judgment passed by the Hon'ble Supreme Court in the case of Punjab National Bank & other Versus Kunj Bihari Mishra reported in (1998) 7 SCC 84.”

3. The brief facts which led to the filing of the Writ Petition by the sole writ petitioner/opposite party herein is/are that an order has been passed on 20th May, 2008 by the respondent Director, Land Acquisition and Rehabilitation Water Resources Department, Bihar, Patna imposing punishment of stopping of promotion and bringing his pay to the minimum scale for a period of five years as also the order passed by the Appellate Authority rejecting the appeal.

4. The claim of the petitioner was that the Enquiry Officer submitted its report on 07.11.2007 having found the charges “as not proved”. He as such was exonerated of the charges.

5. However, the Disciplinary Authority disagreed with the finding, recorded his own finding and held him guilty of the charges which led to the punishment. The contention before the Writ Court was that before disagreeing with the view of the Enquiry Officer, the petitioner was not put on notice, he was



held guilty and punishment order passed, upheld by the Appellate Authority.

6. The matter was taken by Hon'ble the Chief Justice (Mr. Justice Rajendra Menon, as his lordship then was) on 10.08.2017 and having noted the said fact not controverted by the respondents held that punishment has been imposed by the Disciplinary Authority disagreeing with the finding of the Enquiry Officer and recorded its own finding without hearing the petitioner and or communicating about the reasons of disagreement.

7. In that background, the Writ Petition (CWJC No. 20475 of 2010) was allowed.

8. Aggrieved, the present Review Petition.

9. The Writ Court made it clear that the punishment order has been interfered with only because while differing with the earlier report, the Disciplinary Authority chose not to put the petitioner/opposite party on show cause. Upon query by this Court whether the petitioner/opposite party was put on show cause or not, the reply is in negative. No reason has been assigned in the Review Petition as to what is the error in the order of the Writ Court forcing the State respondent to file the Review Petition. It is not the case of the petitioner herein that



before differing with the report and passing an order of punishment, a show cause has to be issued or not.

10. In that background, there is no merit in the Review Petition, it is simply abuse of the process of law, is dismissed with a cost of Rs.2,000/- to be paid to the Patna High Court Legal Services Committee within two weeks and the receipt has to be filed within the said period.

11. The State is free to realize the amount from the Officer who recommended filing of the Review Petition against the reasoned Writ Court's order.

12. The Review Petition stands dismissed.

(Rajiv Roy, J)

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