

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.15 of 2021
In
Civil Writ Jurisdiction Case No.14001 of 2013

1. The State of Bihar through the Secretary, Public Health Engineering Department, Government of Bihar, Bishwasaraiya Bhawan, Bailey Road, Patna.
2. The Secretary Public Health Engineering Department, Government of Bihar, Bishwasaraiya Bhawan, Bailey Road, Patna.
3. The Joint Secretary Public Health Engineering Department, Government of Bihar, Bishwasaraiya Bhawan, Bailey Road, Patna.
4. The Dy. Secretary, P.H.E.D., Government of Bihar, Bishwasaraiya Bhawan, Bailey Road, Patna
5. The Chief Engineer (Urban) P.H.E.D., Government of Bihar, Bishwasaraiya Bhawan, Bailey Road, Patna
6. The Additional Commissioner Departmental Inquiries, Bihar, Patna.

... .. Appellant/s

Versus

Kamal Kishore Sharma Son of Sri Jugeshwar Sharma Resident of Kusar, P.S. Karapi, Distt. - Arwal, Presently Superintending Engineer, Public Health Engineering Department, Circle Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Alok Ranjan, AC to AAG 5
For the Respondent/s	:	Mr. SBK Mangalam, Advocate Mr. Awnish Kumar, Advocate Mr. Kumar Gaurav, Advocate Mr. Vikash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-02-2025



Heard learned counsel for respective parties.

2. The appellants-State have assailed the order of the learned Single Judge dated 21.12.2019 passed in CWJC No. 14001 of 2013. Respondent-Kamal Kishore Sharma was subjected to disciplinary proceedings for remaining absent from 03.09.2008 to 04.09.2008 without informing his superiors. Resultantly, work relating to flood relief was affected. In this regard, he was placed under suspension and, thereafter, subjected to disciplinary proceedings while issuing charge-sheet on 21.01.2010. There were five charges relating to conduct of the respondent during the period from 03.09.2008 to 04.09.2008. The inquiring officer after completing the process of inquiry submitted report that charges are proved in part. The same was taken note of by the disciplinary authority and proceeded to issue show cause notice and, thereafter, proceeded to impose minor penalty of censure and withholding of one increment without cumulative effect. The penalty order dated 27.06.2013 was the subject matter of CWJC No. 14001 of 2023.

3. Learned counsel for the respondent contended that it is a case of no evidence and the inquiring officer also held that charges are proved partly and it is his opinion and not supported by any material evidence, thereafter, disciplinary authority has failed to consider respondent's representation or explanation



pursuant to the inquiring officer's report. Learned Single Judge has taken note of the aforesaid submission with reference to records and proceeded to allow the petition. Hence, the present Letters Patent Appeal.

4. Learned counsel for the appellants-State could not apprise this Court what is error committed by the learned Single Judge in the light of para 10 of the order dated 21.12.2019 passed in CWJC No. 14001 of 2013 by the learned Single Judge. Learned counsel for the appellants-State tried to impress this Court with reference to extraneous document to the extent that respondent had filed application for VRS in which he had admitted the reasons for VRS. We have noticed that whether VRS application was part and parcel of inquiry proceedings or not? Even if the inquiring officer has taken note of the contention of VRS application of the respondent, the same would not be taken into consideration in view of the fact that these are extraneous documents to the inquiry proceedings.

5. In the light of these facts and circumstances, the appellants-State have not made out a case so as to interfere with the order dated 21.12.2019 passed in CWJC No. 14001 of 2013. Accordingly, the present Letters Patent Appeal No. 15 of 2021



stands dismissed. Pending Interlocutory Application(s), if any,
stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

Vikash/-

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

