

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.540 of 2021
In
Civil Writ Jurisdiction Case No.9537 of 2016

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Bihar, Patna.
3. The Joint Secretary, Water Resources Department, Bihar, Patna.
4. The Additional Secretary, Water Resources Department, Bihar, Patna.
5. The Deputy Secretary, Water Resources Department, Bihar, Patna.
6. The Engineer-in-Chief Middle-cum-Enquiry Officer, Water Resources Department, Bihar, Patna.
7. The Dy. Director Executive Engineer Irrigation Monitoring Circle, Patna cum Presenting Officer, B
8. The Secretary, Bihar Public Service Commission, Bihar, Patna.

... .. Appellant/s

Versus

Indrajit Saxena Son of Late Anup Ram Resident of Shishmahal Apartment, Block- B, Flat No. 4B, Near Bahadurpur Gumti, P.S.- Bahadurpur, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Anjani Kumar, Sr. Advocate Mr. Sanjay Prasad (A.C. To A.A.G.4)
For the Respondent/s	:	Mr. Indu Bhushan, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

11 30-10-2025 The present appeal has been filed for the following relief:

“That the present L.P.A. is directed against the order dated 19.05.2021 passed by Hon’ble Mr. Justice Anil Kumar Upadhyay of this Hon’ble Court in C.W.J.C. No. 9537 of 2016 whereby the Hon’ble Court has been pleased to allow the writ application of the



respondent-petitioner quashing the order of punishment dated 19.09.2014 and the order or rejection of review application dated 20.01.2015. The Hon'ble Court has directed the appellants to reconsider the issue of quantum of punishment in the light of the service record of the petitioner."

2. The learned Single Judge had allowed the writ application taking into account the following considerations:

"3. Mr. Siya Ram Shahi, learned counsel appearing on behalf of the petitioner, informs the Court that during the pendency of the writ application, the petitioner has superannuated. The present writ application was filed in 2016. We are in 2021. Petitioner was proceeded against for alleged lapses on his part in the matter of correction of date of birth of one Lal Sahay Ram working in the Department. Vide Annexure-1 Prapatra 'K' was issued on 09.12.2010. Petitioner submitted his explanation. The Enquiry Officer noticing the entire facts and circumstances of the case recorded the finding that there was no occasion to proceed against the petitioner. However, second show-cause notice was issued by the disciplinary authority and thereafter vide Annexure-9 the petitioner was inflicted punishment of stoppage of three increments with cumulative effect and a rider was also imposed that the case of petitioner shall not be considered for grant of promotion in future.

4. Mr. Siya Ram Shahi, learned counsel appearing on behalf of the petitioner, submits that the petitioner being the Executive Engineer has acted upon noting of the office clerk, head clerk and recommendation of the S.D.O. and on that basis date of birth of Lal Sahay Ram was corrected from 24.01.1945 to 24.01.1947. Although he has highlighted manifold infirmities in conduct of the departmental proceeding and the order inflicting punishment of stoppage of three increments with cumulative effect but having regard to the fact that the petitioner has now superannuated, he has confined his argument on the question of quantum



of punishment. He submits that the petitioner relied upon noting of the office clerk, head clerk and recommendation of the S.D.O. and as such in the decision making process, he cannot be faulted and punished for correction of date of birth of Lal Sahay Ram from 24.01.1945 to 24.01.1947. He submits that the petitioner being the Executive Engineer has to rely upon the noting on the file and recommendation of his associate employees and officers including S.D.O. and as such the order inflicting major punishment in the facts of the present case is uncalled for and unwarranted, as no full dressed enquiry was conducted holding the petitioner guilty of the charge.

5. Considering the fact that the petitioner superannuated in 2017 and there is no specific finding recorded by the Enquiry Officer holding the petitioner in any manner guilty for the alleged lapses, the Court is of the view that the respondents may revisit the issue of quantum of punishment.

6. Accordingly, the writ application is allowed. The order inflicting punishment contained in Memo No. 1385 dated 19.09.2014 (Annexure-9) and the order of rejection of review application filed by the petitioner contained in Memo No. 185 dated 20.01.2015 (Annexure-11) are hereby quashed with a direction to the respondents to reconsider the issue of quantum of punishment in the light of the service record of the petitioner.

7. Necessary fresh decision on the quantum of punishment may be taken by the respondents at the earliest preferably within a period of four months from the date of receipt/production of a copy of this order. Fresh order shall overrides Annexures-9 and 11 and the respondents have to act strictly in accordance with fresh decision on the quantum of punishment as indicated above."

3. From the perusal of the records of the case, it is apparent that the order of the learned Single Judge does not cause any substantial prejudice to the department, and take



away any right of the concerned parties. The matter has already been remanded to the competent authority for taking a fresh decision on the point of punishment.

4. We could not find any impropriety in the said direction of the learned Single Judge. Further, we find that there is no sufficient material available on record to substantiate the grounds of the present appeal. Therefore, the appeal is devoid of merit and not fit for interference.

5. The present Letters Patent Appeal is, accordingly, dismissed.

6. However, while revisiting the issue of quantum of punishment, the appellants will be at liberty to use their discretion as per the provisions of law.

7. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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