

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.787 of 2024

In
Civil Writ Jurisdiction Case No.18050 of 2021

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1. The State of Bihar through the Chief Secretary, Bihar, Patna.
 2. The Additional Chief Secretary, General Administration Department, Govt. of Bihar, Patna.
 3. The Under Secretary, General Administration Department, Bihar, Patna.
 4. The District Magistrate, Rohtas at Sasaram.

... .. Appellant/s

Versus

1. Pramod Kumar, Son of Sri Mundrika Ram, age not known, Resident of Flat No. 502, Janki Lalan Apartment, Abhiyanta Nagar, Ranjan Path, Bailey Road, P.S.- Rupaspur, Dist- Patna.
2. The Bihar Public Service Commission, through its Secretary.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sanjay Ghosarvey (AC to AAG-3)
For the Respondent/s : Mr. Majid Mahboob Khan, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 21-01-2025

Re: I.A. No. 2 of 2024

Mr. Sanjay Ghosarvey, the learned Advocate for the appellants/applicants presses I.A. No. 2 of 2024 for condoning the delay of 52 days in preferring this appeal.

2. For the reasons stated in the application, the delay of 52 days in preferring this appeal is condoned.

3. I.A. No. 2 of 2024 stands allowed.

Re: LPA No. 787 of 2024



4. The respondent no.1, who at the relevant time officiated as District Supply Officer, Rohtas at Sasaram, was subjected to a departmental proceeding with nine charges made against him which included non-deposit of CMR procured during 2011-12 to Food Corporation of India; proposing such rice mills for milling which were found to be non-existent; irregularities in mill tagging, the procurement of paddy being less than the target; irregularities in use of gunny bag along with disobedience of the orders of the superior authorities; delayed presentation of letters; and an overall tendency of refusing accountability.

5. In the departmental proceeding, except for charge No. 5 which was only partially proved, the other charges could not be proved. The charge which was only partially proved related to procurement of gunny bags for storage of CMR.

6. Respondent No.1 had explained that the gunny bags were to be supplied by the Food and Supplies Department and he, in fact, had no role to play in the procurement of those gunny bags.

7. The Disciplinary Authority, while agreeing with the enquiry report, regarding the grounds for partially proving the 5th charge, did not take into account the explanation given by the



respondent No. 1. On this slender ground, the punishment of withholding of three increments with cumulative effect was quashed.

8. It is *cadit quaestio* that any decision which is not informed one and which does not take into account the explanation of the delinquent cannot be sustained in the eyes of law.

9. We find that the Disciplinary Authority has inferred the aforementioned lapse in procuring the gunny bags on the basis of the other charges which were not proved.

10. Such inferential reasoning does not appeal to the requirement under the law.

11. The reason given by the learned Single Judge in quashing the entire departmental proceeding and the punishment imposed upon the appellant is absolutely justified.

12. Finding no merit in this appeal, we dismiss the same.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Rajesh/Bibhash

AFR/NAFR	NAFR
CAV DATE	NA
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