

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15192 of 2025

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Pankaj Kumar Son of Devendra Kumar Resident of Karmaun, Maigra, PS
Imamganj, District Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The High Court of Judicature at Patna through the Registrar General, Patna High Court.
3. The Civil Court Samastipur through its Registrar.
4. The Secretary, Law Department, Government of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Akash Shankar, Advocate Mr. Nausheen Fatma, Advocate Mr. Raj Kumar, Advocate
For the State	:	Mr. Shiv Kumar, AC to GA-3
For the Res. Nos.2 & 3	:	Mr. Piyush Lall, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-11-2025 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s):

*“a) To call for the records pertaining to
Enquiry No. 02/2017 and the impugned order passed
by the Disciplinary Authority withholding the
increment of the petitioner, and quash the same for
being illegal, arbitrary and violative of the principles
of natural justice.*

*b) Declare the entire disciplinary
proceedings conducted in Enquiry No. 02/2017 as
vitiating, illegal, and void ab initio, on the ground that:*

i. The petitioner was not served with a copy



of the enquiry report;

ii. The petitioner was denied an opportunity to effectively defend himself,

iii. There was no independent evidence of culpability;

iv. The loss of records occurred during the petitioner's sanctioned leave;

c) Declare the impugned penalty order bearing No. 136/ Admn. /2024 as unsustainable in law, having been passed in contravention of Article 14 and 21 of the Constitution of India, and direct the respondents to restore the petitioner's withheld increment with consequential benefits;

d) Issue an appropriate direction, or order to the respondent authorities to consider afresh the matter in accordance with law and principles of natural justice, after providing the petitioner with:

i. A copy of the enquiry report;

ii. An opportunity to file a representation;

iii. A fair hearing including cross-examination of witnesses, if any;

e) Direct the respondents to expunge any adverse remarks or entries in the petitioner's service record based on the impugned enquiry;

f) For further order/orders or direction or directions which the Hon'ble Court thinks fit and proper in the given factual matrix of the present case."

3. At the outset, it is submitted by learned counsel appearing for the respondent no.2 that the petitioner having challenged the order dated 18.9.2024 (Annexure P/2) passed by the learned District and Sessions Judge, Samastipur, he has an



alternate and efficacious remedy by way of filing an appeal under Rule 24 of the Bihar Civil Court Officers and Staff (Recruitment, Promotion, Transfer and Other Service Conditions) Rules, 2022.

4. Rule 24 of the above Rules is quoted herein below for ready reference:

“24. Appeal/Review- (1) Any employee aggrieved by the imposition of any minor/major punishment upon him by the disciplinary authority may prefer an appeal to the High Court within a period of 30 days from the date of receipt or communication of a copy of such order upon the concerned employee.

(2) The memorandum of appeal shall be forwarded by the District Judge concerned to the Registrar General of the High Court together with his comments thereon, if any, within two weeks of receipt of such memorandum of appeal from the concerned employee.

(3) The appeal shall be disposed of as expeditiously as possible, preferably within a period of three months from the date of receipt of the memorandum of appeal, by the Standing Committee if the same has been preferred against an order imposing a major penalty, and by the Judge Administrative Department No. 1 against an order imposing a minor penalty.

(4) Any employee aggrieved by an order of the Appellate Authority may file for review of that order before the Reviewing Authority within 45 days of communication of the appellate order. The Reviewing



Authority shall dispose of the matter, preferably within three months from the date of filing of the Memorandum of Review.

(5) All procedures for holding a Departmental proceeding, imposition of penalty, disposal of appeals, etc., shall be governed by the statutory rules applicable to the employees concerned and the provisions of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 shall apply, mutatis mutandis, to the disciplinary proceeding initiated against an erring employee.”

5. Having heard learned counsel for the parties, without going into the merits of the case of the petitioner, this application stands disposed of with liberty to the petitioner to prefer an appeal under the Rules, which if filed, shall be considered and decided in accordance with law.

6. The application stands disposed of.

(Partha Sarthy, J)

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