

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17331 of 2023

Raj Kumar Chaudhary Son of Jata Shankar Choudhary Resident of Bhawan
-No-44(1) Near Deen Bandhu Chowk, Murli Basantpur Ward No-15 P.S.
Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Officer on Special Duty, Rural Development Department, Government of Bihar, Patna.
4. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
5. The District Magistrate, Madhubani.
6. The Deputy Development Commissioner, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sushant Praveer Mr. Aayush Abhishek
For the Respondent/s	:	Mr. Syed Iqbal Ahmad (Sc20) Mr. Mahendra Pd. Verma, AC to SC 20

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-09-2025 Heard the parties.

2. The present writ application has been filed on
behalf of the petitioner for the following reliefs:-

*i. For setting aside the order contained
in Notification No. 947316 dated 24.05.22 passed
by the Revisional Authority, whereby and where
under the order of punishment contained in
Notification No. 673896 dated 21.12.21 passed by
the Disciplinary Authority was upheld.*

*ii. For setting aside the order contained
in Notification No. 673896 dated 21.12.21 passed
by the Disciplinary Authority, whereby and where
under the petitioner has been awarded punishment*



of withholding of three increments with non-cumulative effect.

iii. For issuance of a direction upon the concerned respondents to consider the name of the petitioner for proposed promotion to be granted in light of Gazette Notification dated 13.10.23 issued by the General Administration Department, Government of Bihar.

3. The shorts facts of the case is that the petitioner was posted as Block Development Officer, Phulprash, Madhubani, vide Notification No. 230237 dated 05.05.15 and joined as such on 12.05.15 and continued to work as Block Development Officer, Phulprash, Madhubani till 17.06.18. An audit was conducted with regard to certain government schemes, such as Indira Awas, irregular expenditure etc. for the period 2007-08 to 2009-10 and an audit report contained in report No. 704/2014-15 was issued by the Office of Accountant General, (Audit), Bihar.

4. In light of the said Audit report, the Deputy Development Commissioner, Madhubani, vide letter No. 2580 dated 27.12.14 directed the then Block Development Officer, Phulprash, to submit a compliance report to the Office of the Accountant General but no compliance report was submitted to the Accountant General, Bihar and therefore the Special



Secretary, Rural Development Department, Government of Bihar vide Letter No. 217078 dated 20.01.15 requested the District Magistrate, Madhubani to issue directions for submission of compliance report within 30 days and the Special Secretary, Rural Development Department, Government of Bihar also requested the District Magistrate, Madhubani to identify the officers responsible for the delay and to draw Charge memo against the erring officers and send the same with recommendations to the of department.

5. Furthermore, in this regard another letter vide letter no. 328 dated 02.03.15 was issued by the Deputy Development Commissioner, Madhubani to the then Block Development Officer, Phulprash, Madhubani reminding him to send the compliance report failing which it was informed that charge memo shall be drawn and sent to the department for initiation of departmental proceeding. Despite of the aforesaid letters, no compliance report was submitted by the predecessor of the petitioner nor any departmental proceeding was initiated against him and in the meantime the petitioner was transferred and posted as Block Development Officer, Phulprash, Madhubani vide Notification No. 230237 dated 05.05.15 and joined as such on 12.05.15 and most of the staff of the Block



Office, Phulprash were also transferred within three months of the joining of the petitioner vide Memo No. 1373 and 1374, both dated 27.08.15. Because of shortage of staffs, the petitioner vide letter no. 1132 dated 08.09.15 informed the District Magistrate, Madhubani regarding the same and the petitioner continued to discharge the functions of Block Development Officer, Phulprash till 17.06.18 until his transfer.

6. Furthermore, during the said tenure the petitioner neither received any communication with regard to the submission of compliance report in question nor any such earlier communications were brought to his knowledge mostly due to the fact that all the earlier staff of the Block Office, Phulprash were transferred and after the petitioner was transferred from Phulprash, the issue once again cropped up and communications were made by the District Magistrate, Madhubani vide letter nos. 53 and 92 dated 20.02.19 and 22.04.19 respectively and consequently the successor Block Development Officer, Phulprash vide letter No. 897 dated 29.05.19 informed the Deputy Development Commissioner, Madhubani that the Audit report concerning the alleged irregularities were not available in the Block Office, Phulprash and consequently the District Magistrate, Madhubani vide letter



no. 121 dated 15.06.19, requested the Office of the Accountant General, Bihar to furnish the Audit Report No. 704/2014-15 and in turn vide letter No. 214 dated 18.06.19, the records were sent by the office of the Accountant General, Bihar to the District Magistrate, Madhubani. In spite of the fact that the petitioner joined as Block Development Officer, Phulprash on 12.05.15 and was transferred on 17.06.18, during which neither any communication with regard to the non-submission of compliance report was made nor any such earlier letter/direction was placed before him due to the transfer of earlier staff, the Deputy Development Commissioner, Madhubani vide letter no. 735 dated 16.03.20 recommended the name of the petitioner as erring officer to the District Magistrate, Madhubani and accordingly, the District Magistrate, Madhubani vide letter No. 17 dated 05.01.21 forwarded a Charge Memo against the petitioner in light of letter no. 217078 dated 20.01.15 to the Rural Development Department without enclosing the list of documents and witnesses. In spite of incomplete charge memo the Department vide letter no: 438457 dated 08.04.21 directed the petitioner to submit a show-cause reply within 15 days against the charge memo and in pursuance of the said letter, the petitioner vide letter no. 762-2 dated 26.04.21 submitted his



show-cause reply explaining all the circumstances specially the fact that he had joined as Block Development Officer, Phulprash on 12.05.15 and no communication pertaining to the issue in question was ever received by him during his tenure and it is relevant to state here that vide letter no. 1041 dated 27.04.21, the District Magistrate, Madhubani sent a list of documents/evidence to the department on a separate sheet of paper and accordingly, a fresh show-cause was issued to the petitioner vide letter no. 480105 dated 02.07.21 wherein there was no reference of the reply submitted by the petitioner vide letter dated 26.04.21.

7. Pursuant thereto, the petitioner once again submitted his reply vide letter no. 1007-2 dated 14.07.21 but the disciplinary authority without recording its opinion for not conducting the departmental proceeding went on to impose minor punishment of withholding of three increments with non-cumulative effect vide Notification No. 673896 dated 21.12.21.

8. It has been submitted by the learned counsel for the petitioner that the order of punishment has been passed without application of judicious mind in which the disciplinary authority completely ignored the fact that the petitioner was not posted as Block Development Officer, Phulprash at the time of



issuance of Letter No. 217078 dated 20.01.15 wherein the Special Secretary, Rural Development Department had directed the District Magistrate, Madhubani to identify the erring officers because of whom the delay in submitting the compliance report was caused and in light of the said letter only the District Magistrate, Madhubani has drawn the Charge Memo.

9. Learned counsel for the petitioner further submits that the disciplinary authority has also erred in law by not recording its opinion for not holding inquiry as envisaged under section 19 (b) of the CCA Rules, 2005. He further submits that the order of punishment does not record finding on each imputation of misconduct and misbehavior as envisaged under section 21 of the CCA Rules, 2005 and thereafter the petitioner preferred revision also before the Competent authority vide representation dated 11.01.22 which was dismissed vide the impugned order contained in Notification No. 947316 dated 24.05.22, and the order of punishment was upheld.

10. He further submits that the predecessor of the petitioner, during whose tenure all the communications were being made, was allowed to escape by imposing a penalty of "warning" vide Notification No. 846768 dated 31.03.22 only which shows that the action of the respondents is highly



discriminatory, illegal and arbitrary and the same is fit to be interfered with.

11. Learned counsel for the State has opposed the application of the petitioner and has supported the impugned orders by relying on the counter affidavits which have been filed in this case on behalf of the respondent nos. 2, 3, 5 and 6.

12. I have heard and considered the submissions of the parties and have gone through the records of the case.

13. The Hon'ble Supreme Court in the case of ***Kranti Associates Private Limited & Anr. Vs. Masood Ahmed Khan & Ors.*** reported as ***(2010) 9 SCC 496*** has summarized the principals and paragraph 47 of the aforesaid judgment reads as under:

“47. Summarizing the above discussion, this Court holds:

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that



discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

(g) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers



less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37] .)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, “adequate and intelligent reasons must be given for judicial decisions”.

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of “due process”.

14. Subsequently, the Hon’ble Supreme Court in the case of ***Delhi Transport Corporation vs. Ashok Kumar Sharma*** reported as ***2024 SCC OnLine SC 1871*** has held as under:

“17. Furthermore, the agenda item which was circulated by the CMD for consideration of the Board (reproduced supra) clearly indicates that the Board was to take a decision in the matter while considering the facts of the case and the reply submitted by the charged officer in response to the show cause notice dated 15th April, 2009. However, other than giving a blind approval to the show cause notice and the agenda item albeit referring to the reply of the charged officer, the Board's Resolution dated 29th April, 2009 does not reflect any independent or objective application of mind by the members of the Board to the enquiry report either



individually or collectively. In this regard, reference may be made to the judgment rendered by this Court in the case of A.L. Kalra v. Project & Equipment Corporation of India Ltd.¹ the relevant paragraph thereof is reproduced hereinbelow for the sake of ready reference:—

“29. The situation is further compounded by the fact that the disciplinary authority which is none other than Committee of Management of the Corporation while accepting the report of the inquiry officer which itself was defective did not assign any reasons for accepting the report of the inquiry officer. After reproducing the findings of the inquiry officer, it is stated that the Committee of Management agrees with the same. It is even difficult to make out how the Committee of Management agreed with the observations of the inquiry officer because at one stage while recapitulating the evidence the inquiry officer unmistakably observed that appellant was subjected to double punishment and at other place, it was observed that granting extension of time and acceptance of documents and balance advance would tantamount to extending the time which would make the affair look wholly innocuous. This shows utter non-application of mind of the Disciplinary Authority and the order is vitiated.”

15. From the perusal of the impugned orders, it is apparent that the respondent authorities have only reiterated the facts and allegations of the case and have failed to record specific reasons to arrive at a conclusion. It is settled that not providing reasons is antitheses to well reasoned and speaking orders.

16. In the impugned orders, no specific reason has been assigned by the respondent authorities for awarding the



punishment to the petitioner and in the opinion of this Court, the disciplinary authority ought to have passed the impugned punishment order only after recording the reasons, since from the reasons assigned in the impugned orders, it could have been inferred whether the disciplinary authority had applied its mind in order to arrive to the conclusion in the form of punishment or not. The impugned orders is therefore cryptic and non-speaking orders and is no order in the eye of law. This kind of cryptic and non-speaking orders does not reflect any independent or objective application of mind by the respondent authorities and therefore, the same are bad in law and cannot be sustained.

17. In view of the law laid down by the Hon'ble Supreme Court and the fact that the impugned orders are bereft of the reasons, the present writ petition stands allowed.

18. Accordingly, the order contained in the notification no. 947316 dated 24.05.2022 passed by the Revisional Authority and the order contained in the notification no. 673896 dated 21.12.2021 passed by the Disciplinary Authority, are hereby quashed.

(Sandeep Kumar, J)

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