

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.752 of 2022

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Dhirendra Narayan Singh Son of Late Laxmi Narayan Singh Resident of
Quarter no.E/8, D.V.C. Colony (Electricity Board Colony) P.O.-Mayaganj
P.S.-Bararij, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited through its Chairman
Cum Chief Managing Director, Vidyut Bhavan, Bailey Road Patna.
2. The Chairman Cum Managing Director, Bihar State Power Holding
Company Limited, Vidyut Bhavan, Bailey Road Patna.
3. The Managing Director, South Bihar Power Distribution Company Limited,
Vidyut Bhavan, Bailey Road Patna.
4. The General Manager (HR and Admin), South Bihar Power Distribution
Company Limited, Vidyut Bhavan, Bailey Road Patna.
5. The Deputy General Manager (HR and Admin), South Bihar Power
Distribution Company Limited, Vidyut Bhavan, Bailey Road Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bajarangi Lal, Advocate

For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

C.A.V. JUDGMENT

Date : 30-06-2026

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application
praying for quashing the order dated 24.6.2014 (Annexure-6)



passed under the signature of the Deputy General Manager (HR and Admin.), South Bihar Power Distribution Company Limited (respondent no.5) whereby the petitioner in a departmental proceeding was inflicted with the punishment of stoppage of one annual increment with the non-cumulative effect and it was further ordered that the petitioner would not be paid any amount for the period of suspension except the subsistence allowance already paid. The petitioner has also challenged the order dated 29.1.2021 passed by the Chairman -cum- Managing Director, Bihar State Power Holding Company Limited (respondent no.2) whereby the appeal preferred by the petitioner was rejected.

3. The case of the petitioner in brief is that the petitioner who is an unskilled labourer was proceeded against in a departmental proceeding by serving a memo of charge on him on 7.2.2013. As per the charge, a copy of which has been brought on record as annexure to the writ application, the petitioner is said to have abused and of having used objectionable language against the Assistant Engineer and further of having threatened to kill him.

4. It is submitted by learned counsel for the petitioner that the petitioner was proceeded under clause 29(B) of the modified Standing Order. The petitioner submitted his reply on



which the Conducting Officer after conducting the enquiry submitted his enquiry report wherein he found the charges to have been proved.

5. The petitioner was served with a copy of the enquiry report to which he submitted his reply. Thereafter the respondents came out with the order of punishment dated 24.6.2014 ordering for stoppage of one annual increment with non-cumulative effect. It was further ordered that the petitioner would not be paid any amount for the suspension besides the subsistence allowance already paid.

6. Learned counsel for the petitioner submits that the appeal preferred by the petitioner was rejected by the respondent Chairman-cum-Managing Director and communicated to him by letter dated 29.1.2021 (Annexure-10).

7. It is submitted by learned counsel for the petitioner that from perusal of the order of punishment, it would transpire that the issues raised by him in his reply to the second show cause notice served on him have not been considered by the Disciplinary Authority, which is a clear case of violation of Rule 19(1)(d) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005, ('CCA Rules' in short). In support thereof, learned counsel for the petitioner has referred to



the contents of his reply and more specifically at pages 39 to 42. Further with respect to the punishment that the petitioner would not be paid any other amount for the period of suspension besides the subsistence allowance, it is submitted that as held by this Court in the case of ***Dr. Navin Kumar vs. The State of Bihar & Ors.*** (order dated 16.8.2022) passed in ***CWJC no.11234 of 2015***, on the petitioner being inflicted with the minor punishment, his remaining salary for the period of suspension should not be withheld. Thus the order impugned be set aside and the writ application be allowed with all consequential benefits.

8. The application is opposed by learned counsel for the respondents. It is submitted that so far as the judgment in the case of ***Dr. Navin Kumar (supra)*** is concerned, it would transpire that the learned Court therein has relied upon Rule 13 of the C.C.A. Rules, which deals with treatment of service on restatement and admissibility of pay and allowances where dismissal, removal and compulsory retirement is set aside by a Court of law. It is submitted that the facts of the instant case are distinguishable insofar as no such order has been set aside. It is further submitted that this Court in several judgments has also held that so far as infliction of minor penalty is concerned, even



a full-fledged enquiry is not required. It is submitted that the conduct of the petitioner has been such as to not warrant any interference in the order of punishment impugned herein. There is no merit in the instant writ application and the same be dismissed.

9. Heard learned counsel for the parties and perused the material on record.

10. The relevant facts in brief are that the petitioner was proceeded against in a departmental proceeding by serving upon him the memo of charge on 7.2.2013. He filed his reply to the same and the Conducting Officer proceeded with the enquiry. An enquiry report was submitted on 24.10.2013 finding the charges levelled against the petitioner to have been proved.

11. A copy of the enquiry report was provided to the petitioner and as directed, he filed his detailed reply on 9.5.2014, a copy of which has been brought on record as Annexure-5 to the writ application. Thereafter the Disciplinary Authority proceeded to pass the order of punishment dated 24.6.2014 ordering stoppage of one annual increment with non-cumulative effect and further that the petitioner would not be paid any amount for the period of suspension except the subsistence allowance already paid.



12. Relying upon the judgment in the case of ***Kranti Associates Private Limited and Another vs. Masood Ahmed Khan and others; (2010) 9 SCC 496***, learned counsel for the petitioner submitted that the contentions raised by the petitioner in his reply to the second show cause notice and the enquiry report has been brushed aside without any consideration by the Disciplinary Authority in the order of punishment. The same be set aside on this ground alone.

13. Having perused the petitioner's reply to the second show cause notice as contained in Annexure-5, this Court finds that besides the reply being detailed, substantial points have been raised therein by the petitioner which requires consideration by the respondents.

14. The respondent-Disciplinary Authority came out with the order of punishment dated 24.6.2014 stating therein that the petitioner's reply to the second show cause notice and the evidence on record was considered by the competent officer who vacating the order of suspension has taken a decision to inflict the punishment on the petitioner, as stated therein.

15. Thus, this Court finds that there is absolutely no consideration of the petitioner's reply to the second show cause notice in the order of punishment dated 24.6.2014.



16. The Hon'ble Supreme Court in the case of ***Kranti Associates Private Limited*** (supra) held as follows:

“47. Summarising 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)

(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 33 EHRR, at 562 para 29 and Anya v. University of Oxford



34, 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".

(0) 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".

17. In view of the facts and circumstances stated herein above, the order of punishment dated 24.6.2014 not having considered the reply of the petitioner and being absolutely devoid of any reason or ground for passing of the said order, in the opinion of the Court, is unsustainable.

18. As such, the order dated 24.6.2014 (Annexure-6) passed under the signature of the Deputy General Manager (HR and Admn.), South Bihar Power Distribution Company Limited (respondent no.5) as also the order dated 29.1.2021 passed by the Chairman-cum-Managing Director, Bihar State Power Holding Company Limited (respondent no.2) rejecting the appeal preferred by the petitioner are both set aside.

19. The matter is remanded back to the respondent authorities to proceed against the petitioner from the stage the petitioner submitted his reply to the second show cause notice and to conclude the same within a period of four months from



the date of receipt/production of a copy of this order.

20. The writ application stands allowed with the above observations and directions.

(Partha Sarthy, J)

Saurabh/Shiv

AFR/NAFR	
CAV DATE	15.05.2026
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Transmission Date	

