

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2553 of 2022

Abdul Hamid Son of Late Md. Saied, Resident of Village - Chandi, P.O. -
Narhi Chandi, P.S. - Chandi, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Rural Development, Govt. of Bihar, Patna.
3. The Additional Secretary, Department of General Administration, Govt. of Bihar, Patna.
4. The Deputy Secretary, Department of General Administration, Govt. of Bihar, Patna.
5. The Under Secretary, Department of General Administration, Govt. of Bihar, Patna.
6. The Additional Secretary, Department of Rural Development, Govt. of Bihar, Patna.
7. The District Magistrate, Nalanda at Bihar Sharif.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh, Sr. Advocate Mr. Nikesh Kumar, Advocate
For the State	:	Mr. Suman Kumar Jha (AC to AAG-3) Ms. Rupali Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 07-01-2026

Heard learned Senior counsel Mr. Shekhar Singh assisted by Mr. Nikesh Kumar for the petitioner and learned counsel Mr. Suman Kumar Jha assisted by Ms. Rupali Jha for the State.

2. By way of filing the present writ petition, the memo of charge as contained in Letter No. 181002 dated 20.03.2014 and Letter No. 14193 dated 15.10.2014 (annexed as Annexure-1), the punishment order as contained in Memo No.



9507 dated 26.08.2021 (annexed as Annexure-4) and the review order as contained in Memo No. 13706 dated 22.11.2021 (annexed as Annexure-6), all have been challenged.

3. Learned Senior counsel for the petitioner submits that the petitioner is a Deputy Collector and was posted as Circle Officer from 14.04.2004 to 29.05.2005 in the Rahui Block, District- Nalanda. Senior counsel submits that during his posting as Circle Officer in the Rahui Block, the Block Development Officer died and then the petitioner was provided additional charge of Block Development Officer w.e.f 09.10.2004 to 12.01.2005. He submits that subsequently, the petitioner was transferred and started working as Executive Officer, Nagar Parishad, Benipur, District- Darbhanga. During his posting at Darbhanga, he received a letter bearing Letter No. 1508 dated 27.10.2014, Memo No. 14193 dated 15.10.2014 including Letter No. 181002 dated 20.03.2014 containing memo of charge dated 22.01.2013 for the alleged wrong which he has done during his period of additional charge of B.D.O w.e.f 09.10.2004 to 12.01.2005 with allegation of sanctioning 16 Indira Awas to non BPL members. Senior counsel submits that upon receiving the charge memo and letter, the petitioner has filed show cause and in his reply, he has submitted that he was



provided additional charge of Block Development Officer at Rahui Block, District- Nalanda for a short period of about three months w.e.f 09.10.2004 to 12.01.2005. Senior counsel further submits that it is a categorical stand of the petitioner that he has never sanctioned Indira Awas to anyone in his short span of period as In-charge B.D.O, rather, the allotments were made by the then B.D.O who had sanctioned and already issued the first installment to the beneficiaries of their respective Indira Awas and in sanctioning of the Indira Awas, there is no role of the petitioner at all, in which allegation has been made that he has enlisted non BPL members. Senior counsel submits that in-spite of the categorical show cause, minor punishment has been imposed considering the charge other than alleged in the charge memo. He submits that imposing punishment in such a way is basically gross violation of Rule 19 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (hereinafter referred to as 'Bihar CCA Rules, 2005').

4. Learned Senior counsel for the petitioner further submits that though, the punishment is minor in nature, but the career of the petitioner has adversely effected as due to the said illegal punishment order, and the petitioner failed to get opportunity of promotion during the said period. Senior counsel



submits that the petitioner being a Gazetted Officer has challenged the said punishment order before the Reviewing Authority also, but his review was also dismissed/rejected and none of the points were considered. Senior counsel submits that imposing punishment in such manner violates the norms mentioned in Rule 19 of the Bihar CCA Rules, 2005 and the same is absolutely illegal and need immediate interference of this Hon'ble Court.

5. Learned counsel for the State on the other hand submits that the punishment is minor in nature. He submits that Rule 19 of the Bihar CCA Rules, 2005 is very categorical that for the purpose of imposing minor punishment, there is no need of compliance of departmental proceeding as like that of major penalty. There is a specific allegation that due to in action on the part of the petitioner, loss to the Government Exchequer at the tune of Rs. 3,86,100/- (Rupees Three Lakhs Eighty Six Thousand One Hundred) took place. Counsel submits that though, the allegation made in the memo of charge and the allegation made in the punishment order may appears to be different, but ultimately, it is due to petitioner's in action, the Government suffered a loss of Rs. 3,86,100/- (Rupees Three Lakhs Eighty Six Thousand One Hundred) and it is due to this



reason, the High Officials/Disciplinary Authority and the Reviewing Authority have passed order considering the case of the petitioner and a proportionate punishment has been imposed upon him. Counsel submits that there should be no interference in the orders passed by the Disciplinary Authority and the Reviewing Authority and this writ petition is fit to be dismissed.

6. Upon perusal of the memo of charge, it is alleged that the petitioner has sanctioned Indira Awas to non BPL category families due to which the competent beneficiaries were debarred from getting benefit of BPL and government suffered pecuniary loss. From the punishment order, the Disciplinary Authority accepts that the said sanction of Indira Awas has not been made by the petitioner, rather, the sanctions were made by the earlier B.D.O and out of 16 beneficiaries, second installment was issued only to 7 beneficiaries by the petitioner.

7. It also transpires to this Court that the charge memo contains different charge, whereas, the punishment order indicates different allegations. As such, the law of the land i.e. Bihar CCA Rules, 2005 is very much clear and categorical that a person can be punished only on the basis of the charge alleged against him. And in the punishment order, the charge alleged in the memo are different from the finding of punishment order. It



is due to this reason, this Court finds that there is merit in the present writ petition and the order of punishment and review order are set aside. This Court also finds that sanction of Indira Awas has not made by the petitioner, and as such, the charge alleged is also not sustainable in the eye of law.

8. Hence, the memo of charge as contained in Letter No. 181002 dated 20.03.2014 and Letter No. 14193 dated 15.10.2014 (annexed as Annexure-1), the punishment order as contained in Memo No. 9507 dated 26.08.2021 (annexed as Annexure-4) and the review order as contained in Memo No. 13706 dated 22.11.2021 (annexed as Annexure-6), all are hereby quashed. The monetary loss which has been caused to the petitioner is hereby directed to be calculated and be paid within three months from the date of production of a copy of this order.

9. Accordingly, with the aforesaid direction, this writ petition stands allowed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	12/01/2026
Transmission Date	NA

