

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7404 of 2025

Dayanand Son of Late Kameshwar Singh, Resident of mohalla- Gandhinagar,
Ward no.- 33, Police Station- Nagar, District Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Engineer-in-Chief, Water Resources Department, Bihar, Patna .
2. The Engineer-in-Chief, Headquarter, Water Resources Department, Bihar, Patna.
3. The Chief Engineer, Mechanical, Water Resources Department, Patna.
4. The Superintending Engineer, Mechanical, Irrigation Mechanical Circle, Gaya
5. The Superintending Engineer, Mechanical, Irrigation Mechanical Circle, Muzaffarpur.
6. The Executive Engineer, Mechanical, Irrigation Mechanical Division, Aurangabad.
7. The Executive Engineer, Mechanical, Irrigation Mechanical Division, Valmikinagar, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.
Mr.Praveen Ranjan, Adv.

For the Respondent/s : Mr.Vivek Prasad, GP7
Mrs.Manisha Singh, AC to GP7
Mrs.Mita Kumari. Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-03-2026 Heard Learned Counsel for the petitioner and
 Learned Counsel for the State.

2. The present writ petition has been filed with the following reliefs:-

(i) For issuance of appropriate writ/writs, order/orders in the nature of certiorari for quashing the appellate order contained in memo no. 1463 dated 25.03.2025 issued by



respondent no.2, whereby and where under the appeal preferred by the petitioner against punishment order dated 25.05.2024 and 30.10.2024 has been rejected in cryptic manner, without giving due consideration to the facts of the case.

(ii) For quashing the punishment order contained in memo no. 2125 dated 30.10.2024 issued by respondent no.3, whereby and where under it has been held that except subsistence allowance, nothing shall be payable to the petitioner for the suspension period from 31.01.2023 to 25.05.2024, though the same would be counted for pensionary benefits.

(iii) For quashing the punishment order contained in memo no. 901 dated 25.05.2024 issued by respondent no.3, whereby and where under the petitioner has been awarded the punishment of warning and stoppage of two annual increment without cumulative effect in a departmental proceeding, on non-est grounds, though the charges alleged against the petitioner have not been proved before the enquiry officer and he has been exonerated in the enquiry report dated 16.11.2023.

(iv) In consequent thereof, for direction to the respondent authorities to grant annual increment as well as entire salary for suspension period and the consequential monetary benefits admissible to the petitioner.



3. Learned counsel for the petitioner submits that the petitioner was posted at the relevant time as Executive Engineer, Valmikinagar. He further submits that a complaint has been made against him and on the basis of which, he was suspended under Bihar CCA Rules, 2005 vide letter No.218 dated 30.01.2023 issued by respondent No.3. He further submits that the departmental proceeding was initiated against the petitioner vide letter No.244 dated 01.02.2023 in which four charges were framed against him and Enquiry Officer and Presenting Officer were also appointed.

4. Counsel further submits that enquiry was not conducted properly and the Enquiry Officer found charges proved against petitioner and submitted its report on 13.05.2023. He further submits that the Disciplinary Authority had reached on the conclusion that earlier enquiry was not in accordance with law as directed for re-enquiry and second enquiry report has been submitted on 16.11.2023 in which petitioner was exonerated from all the four charges. He further submits that second show-cause has also been demanded from the petitioner on 30.06.2023. In response, he has submitted his explanation on 13.07.2023 and after considering the second show-cause, the disciplinary authority has decided to conduct a fresh enquiry. In



the fresh enquiry, the petitioner was exonerated from all charges. He further submits that the second enquiry report was submitted on 16.11.2023. After receiving enquiry report, the Disciplinary Authority has served disagreement memo and demanded second show-cause on three points on which disagreement has been demanded. He further submits that out of three points, first two points were relating to earlier charges, but the third point of disagreement, is completely new charge, which is impermissible in law.

5. Counsel further submits that the petitioner has submitted his second show-cause for the second time, but petitioner was imposed punishment and by virtue of the same, stoppage of two annual increment without cumulative effect has been imposed against the petitioner. He further submits that the said punishment is minor in nature.

6. Counsel further submits that the petitioner has preferred an appeal against the said punishment order, but the Appellate authority without considering any points raised in the memorandum of appeal, has affirmed the passed order. He further submits that Annexure-P/15 *i.e.*, Memo No.1463 dated 25.03.2025, is the order passed by the appellate authority. He further submits that the order of appellate authority has been



passed without consideration of his single points and only one line observation has come after hearing both the parties and upon consideration, appeal was rejected.

7. Learned counsel for the State, on the other hand, submits that the petitioner has filed the present writ petition for review of the decisions made. He further submits that the scope of review is very limited and only on the point of violation of any rule or violation of natural justice or exorbitant punishment, the review can be made. He further submits that the order impugned passed by the Disciplinary Authority is well explained and with consideration of all the points raised by the petitioner. Therefore, there is no need of any interference in the original order and similarly, the appellate authority has granted opportunity to both parties and upon hearing them, by way of following the natural justice, appeal has also been dismissed.

8. After hearing the parties and upon perusal of the documents, this Court is, at this juncture, not inclined to make any comment either on second show-cause or passing any order by the Disciplinary Authority. But presently, this Court is only making comment on the order passed by the appellate authority that the appeal in accordance with law as laid down under Rule 24(2) of the Bihar CCA Rules, 2005, is the re-consideration of



the entire case, but here in the present case, only one line order has been passed, which is cryptic and none of the points raised by the petitioner, has been considered by the Appellate/Reviewing Authority.

9. In this view of the matter, this Court, without expressing any opinion on the second show-cause or the order passed by the Disciplinary Authority, set aside the order passed by the Appellate Authority contained in Memo No.1463 dated 25.03.2025 issued by respondent No.2 that upon production of this order, the Appellate Authority shall pass a fresh order considering all the points made in the memo of appeal in accordance with law within 90 days.

10. With the aforesaid directions and observations, the present writ application stands allowed.

(Dr. Anshuman, J)

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