

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8272 of 2024

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Santosh Kumar Son of Late Laxmi Narayan Singh, Resident of Gram Anandibag, P.O - Karpi, P.S.- Karpi, District- Arwal, Bihar, Pin Code- 804419.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Commissioner, Magadh Division Gaya, cum Appellate Authority.
4. The District Officer, Jehanabad, P.O.- Jehanabad, District- Jehanabad-cum-Disciplinary Authority.
5. The Deputy Collector, in-charge Establishment Section, Collectorate, Jehanabad.
6. The Additional Collector cum Enquiry Officer, Jehanabad, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subhash Patel, Advocate
For the Respondent/s : Mr. Navnit Kumar, AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. Learned counsel for the petitioner submits that the petitioner has challenged the order dated 01.02.2024 passed by the Commissioner, Magadh Division, Gaya-cum-Appellate Authority in Service Appeal No. 99 of 2015, annexed as Annexure-P/12, and has further prayed for reinstatement to the post of Revenue Clerk (Karamchari) as a Government employee with all consequential benefits to which he is entitled, after setting aside the order contained in Annexure-P/12 to this writ petition.



3. Learned counsel for the petitioner fairly submits that, in a departmental proceeding, the petitioner was punished with compulsory retirement vide order dated 11.12.2014 issued by the District Magistrate, Jehanabad. Subsequently, the petitioner moved before the Appellate Authority, and the Appellate Authority, vide its order dated 10.06.2020, affirmed the order of punishment passed by the Disciplinary Authority. The punishment imposed was that of compulsory retirement.

4. Counsel further submits that the petitioner challenged both the aforesaid orders before this Hon'ble Court in CWJC No. 318 of 2021, wherein, vide order dated 12.09.2023, this Hon'ble Court set aside both the orders passed by the Disciplinary Authority dated 11.12.2014 as well as the order passed by the Appellate Authority dated 10.06.2020, by which the order of compulsory retirement had been affirmed.

5. Counsel further submits that since the order of compulsory retirement, both original and appellate, stood quashed, the Appellate Authority was required to pass a fresh order after considering the entire material on record, which it has failed to do. According to him, the order impugned herein has been passed upon remand of the case in compliance with the order dated 12.09.2023 passed in CWJC No. 318 of 2021.



6. Counsel further submits that in the impugned order dated 01.02.2024, none of the points were considered, inasmuch as both the original and appellate orders had been quashed. He submits that the order passed by the Commissioner, Magadh Division, Gaya-cum-Appellate Authority is bad in law.

7. Learned counsel for the State, on the other hand, submits that there is no need of any interference in the said order. He further submits that although the order of compulsory retirement contained in the order dated 11.12.2014 and the appellate order dated 10.06.2020 have been quashed, the matter was remanded back only for reconsideration on the point of suitable punishment, which was instructed to be considered as less than compulsory retirement to be imposed on the petitioner.

8. Counsel further submits that in the impugned order dated 01.02.2024 passed in Service Appeal No. 99 of 2015, the directions contained in the Hon'ble Court's order dated 12.09.2023 passed in CWJC No. 318 of 2021 have been complied with in their true spirit and sense, and hence there is no need of any interference.

9. Having regard to the submissions advanced and upon perusal of the record, it is necessary to examine the order passed by this Hon'ble Court in the case of petitioner ***Santosh***



Kumar vs. The State of Bihar & Ors., in CWJC No. 318 of 2021, dated 12.09.2023. In the said order, this Hon'ble Court has been pleased to consider each and every aspect of the matter relating to the delinquent petitioner and has observed, in two paragraphs, what the Appellate Authority is required to do. The said paragraphs are as follows:-

24. The order of compulsory retirement dated 11-12-2014 issued by the District Magistrate, Jehanabad (Respondent No.4), as contained in Annexure-6 to the writ petition is, therefore, quashed. The order of the appellate authority dated 10-06-2020 (Annexure-10) affirming the disproportionate order of punishment must also collapse and is hereby quashed.

25. The matter is remanded to the Appellate Authority (Respondent No.3) for reconsideration on the point of suitable punishment, less than compulsory retirement to be imposed on the petitioner. The Court is of the opinion that the Respondent No.3 should also pass order on entitlement of the petitioner for the period from the date of charge memo till passing of fresh order within eight



(08) weeks from the date of receipt/production of a copy of this order.

10. Upon perusal of the order passed by this Hon'ble Court in CWJC No. 318 of 2021 dated 12.09.2023, as well as the impugned order, it transpires to this Court that the Hon'ble Court quashed both the original order as well as the appellate order, but restricted the Appellate Authority to reconsider the matter only on the point of suitable punishment, which must be less than compulsory retirement to be imposed upon the petitioner.

11. The observation made in paragraph 25 of the aforesaid writ petition clearly indicates that the finding of guilt on the point of charge was affirmed by the Hon'ble Court. Therefore, this Court is of the opinion that the Appellate Authority, in its order dated 01.02.2024, has rightly observed that the charge stood proved, as discussed in the Hon'ble Court's order and the remand was limited only to the aspect of punishment. The Hon'ble Court had directed reconsideration solely on the point of suitable punishment less than compulsory retirement

12. In true compliance thereof, the Appellate Authority has passed an order whereby the punishment of



compulsory retirement has been removed and only punishment of lowering of pay scale has been passed. Similarly, the second direction, i.e., regarding the entitlement of the petitioner for the period from the date of charge memo till passing of fresh order within eight (08) weeks from the date of receipt / production of a copy of this order has also been complied with.

13. Therefore, for the aforesaid reasons, this Court is of the firm view that the order passed by the Hon'ble Writ Court has been fully complied with by the Appellate Authority and there is no need of any interference.

14. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

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