

(2005) 07 PAT CK 0055
In the Patna High Court
Case No : CWJC No. 13065 of 2001

Sri A.K. Thakur @ Amrendra Kumar Thakur	APPELLANT
Vs	
State of Bihar and Others	RESPONDENT

Date of Decision : 19-07-2005

Acts Referred:

Citation : (2005) 3 PLJR 637

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Chakradhari Sharan Singh, for the Appellant;

Final Decision : Allowed

Judgement

Narayan Roy, J.—Heard counsel for the parties. The order, as contained in annexure 14, issued vide memo No. 1111 dated 11.6.2001, is under challenge, whereby and whereunder certain punishments have been inflicted upon the petitioner in exercise of power under Rule 55A of the Civil Services (Classification, Control and Appeal) Rules (hereinafter to be referred to as "Rules").

2. It is contended by learned counsel for the petitioner that the petitioner was proceeded against departmentally on the basis of report submitted by a flying squad. A show-cause notice was given to him alongwith the report, which was duly replied, but the authorities without assigning sufficient reasons discarded the explanation furnished by the petitioner and issued the order of punishment. It is further contended that even in a summary proceeding like a proceeding under Rule 55A of the Rules, disciplinary authority was required to pass order after due application of mind, but, in the instant case, no reason, whatsoever, has been assigned for discarding the explanation furnished by the petitioner nor it appears to be a case of full application of mind.

3. From annexure 14, it appears that the explanation furnished by the petitioner was scrutinised at the State level, but no explanation, whatsoever, has been

given as to why the same was not accepted or discarded.

4. Learned counsel for the State, however, submitted that the explanation filed by the petitioner was duly considered at the State level, and, therefore, no other reason was required to be given.

5. In a proceeding under Rule 55A of the Rules, the disciplinary authority while imposing punishment is required to apply its full mind to the accusations and only after assigning sufficient reasons it may accept or discard the explanation furnished by a delinquent.

6. This question is no more *res Integra*, as it has been settled by various judgments of this Court.

7. In this connection, reference may be made to the cases of *Dr. Rabindra Nath Singh vs. State of Bihar and Ors.* (1983 PLJR, 92), *Md. Mahmudul Hasan Vs. The State of Bihar and Others*, and *Chandradip Sinha Vs. State of Bihar and Others*, .

8. In the case at hand, it appears from the materials on record that the authorities while passing the order impugned have not applied its mind properly nor they have assigned any reason to discard the explanation furnished by the petitioner.

9. For the reasons aforementioned and in view of the legal propositions, noticed above, the order, contained in annexure 14, is not sustainable in law.

10. In the result, this application is allowed and the order, as contained in annexure 14, is set aside. However, the authorities, if so advised, may proceed in the matter in accordance with law.