

(2008) 05 PAT CK 0049
In the Patna High Court
Case No : CWJC No. 996 of 2001

Suresh Prasad Verma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 09-05-2008

Acts Referred:

Citation : (2008) 4 PLJR 257

Hon'ble Judges : Navin Sinha, J

Bench : Single Bench

Advocate : Umakant Shukla and Rajesh Ranjan, for the Appellant;

Final Decision : Allowed

Judgement

Navin Sinha, J.—Heard Learned Counsel for the petitioner and the State. The petitioner is aggrieved by the order of punishment dated 14.11.2000 which denies him promotion for two years from the due date and stoppage of two increments with non-cumulative effect.

2. Learned Counsel for the petitioner raises a short submission that the impugned order is liable to be set aside as it does not reflect consideration of the grounds raised in the reply to the show cause when he has been visited with minor punishments rejecting his reply to the show cause. The petitioner is said to have superannuated in the year 2000, as stated at the Bar.

3. A show cause notice was issued to the petitioner on certain charges on 16.1.1997. He submitted his reply on 25.7.1998 dealing with each charge specifically setting out the details of the rules of the department and the financial authorization vested in the Executive Engineer for the purported act in respect of the firm in question, which was entrusted with certain works. The show cause notice and the reply thereto are appended at Annexures-2 & 4 which the Court has gone through carefully. The impugned order rejects the same only on the ground that on a thorough consideration of the reply it was found that the charges were true.

4. this Court finds substance in the contention of the counsel for the petitioner. Even though the punishments were minor, the authorities were required to pass a reasoned and speaking order displaying due application of mind to the reply to the show cause submitted by the petitioner. this Court is satisfied that the impugned order was required to discuss the defence taken by the petitioner and reason was required to be narrated and recited in a manner to display adequate application of mind to the defence of the petitioner so as to enable him to be satisfied that his contentions have duly been considered as also to facilitate judicial review.

5. Learned Counsel for the State supports the impugned order from the statements made in the counter affidavit to explain due consideration. this Court is not persuaded to allow him to do so. In view of the nature of the minor penalty imposed and the intervening superannuation of the petitioner, this Court is not persuaded to remand the matter.

6. The impugned order dated 14.11.2000 imposing the two punishments, as noticed above, is hereby set aside. The writ application stands allowed. The petitioner shall be entitled to his due seniority inclusive of all monetary benefits retrospectively alongwith revision of his retiral entitlements. Let the same be done and benefits be made available to the petitioner within four months of the receipt and/or production of a copy of this order before the respondents.