

(2008) 07 PAT CK 0202

Patna High Court

Case No: LPA No. 98 of 2008

The State of Bihar and Others

APPELLANT

Vs

Bindu Kumar

RESPONDENT

Date of Decision: July 1, 2008

Acts Referred:

- Constitution of India, 1950 - Article 311

Citation: (2009) 1 PLJR 400

Hon'ble Judges: R.M. Lodha, C.J; Kishore K. Mandal, J

Bench: Division Bench

Advocate: M.N. Roy, for the Appellant; Farooque Moazzam, for the Respondent

Final Decision: Dismissed

Judgement

1. We heard the State counsel. The Single Judge in the impugned order observed thus:-

"From perusal of these annexures it is apparent that the petitioner was not supplied relevant documents for filing effective show cause. He was not shown relevant documents which has been referred in the order of punishment as well as in the enquiry report. The disciplinary authority has passed the final order in the departmental proceeding imposing punishment even without looking into the enquiry report on some imaginary ground. The order of punishment passed against the petitioner cannot be held to be legal order passed in compliance and consonance of Article 311 of the Constitution of India. The manner in which the departmental proceeding was conducted shows that the impugned orders have been passed in complete violation of rule of natural justice. Since this order is going to affect the service career of the petitioner and he will have to face civil consequences on account of this order of punishment as well as the enquiry report, as such they are held to be illegal."

2. We find no justification to take any different view from that of the Single Judge. The letters patent appeal has no merit. It is dismissed in limine.