

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1352 of 2019

In
Civil Writ Jurisdiction Case No.12945 of 2009

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Pashupati Nath Thakur @ Pasupati Nath

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Rajkumar Rajesh, Advocate

For the Respondent/s : Mr.Prabhat Kumar Verma (AAG3)

Mr.Saroj Kumar Sharma, AC to AAG3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

9 27-08-2024

Mr. Saroj Kumar Sharma, the learned counsel for

the State could not apprise this Court with reference to the original records in respect of departmental enquiry. One of the issue is relating to communication of charge memo to the appellant and to that extent and what is the material document is available on the record. Further, we are not satisfied with the mentioning of dates in the charge memo whether it is 1998 or 1999. Similarly, if he remains ex-parte in the enquiry, the enquiring officer had issued notice to the appellant for his appearance on various dates and such of those copies of the notices address to which place and other details are not forthcoming. Further, assuming that he remained ex-parte. In all fairness, disciplinary authority and enquiry authority was



required to undertake notifying the proposed disciplinary proceedings in the leading newspaper publication where the last residential address furnished by the appellant. Similarly, while issuing second show cause notice and so also passing final order of dismissal on 06.12.2003. In other words, even though, *Mr. Saroj Kumar Sharma*, the learned counsel for the State is having original records and he is not in a position to apprise the aforementioned information.

2. Therefore, the Superintendent of Police, Bhojpur is hereby directed to depute an official who is well conversant with the present file so as to assist in the matter with reference to all dates and events read with documents including relevant regulations/rules governing the constable post for the purpose of initiating and concluding disciplinary proceedings whether was it under Police manual or CCA rules, unamended Rules, 2005, or not?

3. Re-list this matter on 10.09.2024.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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