

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9740 of 2022

Sunil Kumar Bhandari S/o Late Lal Chand Bhandari resident of Muhalla-Ganpatganj, P.S. - Raghopur, District - Supaul at Present In-charge Consolidation Officer, Dinara (Rohtas).

... .. Petitioner/s

Versus

1. The Principal Secretary Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Special Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Additional Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
4. The Deputy Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
5. The District Magistrate, Katihar.
6. The Enquiry Officer/Conducting Officer Cum Additional Collector, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
Mr. Parmeshwar Vishwakarma, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (AAG12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

C.A.V. JUDGMENT

Date : 13-03-2026

Heard learned Sr. Counsel appearing for the petitioner and learned counsel for the State.

2. The petitioner has filed the present writ petition with the following relief/s:-

“(a) Issuance of writ in the nature of certiorari for quashing/set aside the order dated 17.05.2022 passed by the learned court of the Appellate/Revisional Tribunal cum Hon'ble Minister, Revenue and Land Reform Department,



Govt. of Bihar, Patna in Service Appeal Case No.33/2019-20 whereby and whereunder the learned tribunal has rejected the grievance of the petitioner without considering the material available on records and non-application of mind. The petitioner further prayed for quashing the punishment order dated 31.10.2019 as contained in Memo No.728 (NiO ko) passed by the Additional Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna (Respondent No.3) whereby and whereunder the Additional Secretary has not considered 2nd Show cause submitted by the petitioner and punished withholding three increments of pay with cumulative effect.

(b) Issuance of writ in the nature of mandamus commanding and directing the respondents to pay all consequential benefit of the petitioner from the date of punishment order i.e. 31.10.2019.

(c) To grant any other relief/reliefs for which the petitioner is entitled to in the facts and circumstances of the case.”

3. Learned Sr. Counsel for the petitioner submits that the petitioner was initially appointed as Circle Inspector, Sangrampur Anchal (Munger), and duly joined his services on 21.09.1990. The petitioner has throughout discharged his duties with utmost sincerity, dedication, and integrity. While the petitioner was posted as Circle Officer, Ajam Nagar (Katihar), the District Magistrate, Katihar, issued a memo of charge



(Prapatra-Ka), containing three Articles of Charge, thereby initiating a departmental proceeding against the petitioner. Thereafter, the Deputy Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna, forwarded the said memo of charge (Prapatra-Ka) to the petitioner with a direction to submit a show cause reply within a period of 15 days. In compliance with the said direction, the petitioner submitted his detailed reply to the show cause before the Deputy Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna, on 17.07.2014, within the stipulated period, specifically denying the allegations and praying for exoneration. Learned counsel further submits that notwithstanding the petitioner's reply, the Special Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna, initiated a formal departmental proceeding under Rule 17(2) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as the 'Rules of 2005').

4. Learned Sr. Counsel further submits that during the pendency of the proceeding, the petitioner was transferred from the post of Anchal Adhikari, Ajam Nagar (Katihar), to the Consolidation Office, Dinara (Rohtas), where he joined as In-charge Consolidation Officer. The Additional Collector, Katihar,



vide letter, directed the petitioner to appear on 18.08.2018 at 1:00 PM in connection with the departmental proceeding. The petitioner duly appeared on the scheduled date and submitted a written statement supported by relevant documents. Upon conclusion of the inquiry, the Conducting Officer, after examining the material on record submitted his report against the petitioner to be true. Learned Senior Counsel further submits that the Special Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna, issued a second show cause notice (Annexure-9 to the writ petition) to the petitioner without proper application of mind and in a purely mechanical manner. Pursuant to the said show cause notice, the petitioner submitted his reply on 16.01.2019 reiterating his defence and requesting for exoneration. However, the disciplinary authority, without considering the petitioner's reply and the documents available on record, passed the impugned order of punishment dated 31.10.2019 contained in Memo No. 728 (Annexure-11), whereby the punishment of withholding three increments with cumulative effect has been imposed upon the petitioner. Learned counsel further submits that the said punishment is arbitrary, unjust and contrary to law. Being aggrieved by the aforesaid order, the petitioner preferred Service Appeal Case No. 33/2019-



20 (Katihar) before the Appellate/Revisional Authority-cum-Hon'ble Minister, Revenue and Land Reforms Department, Government of Bihar, Patna. However, the said appeal also came to be rejected vide order dated 17.05.2022 without proper appreciation of the facts and the legal position, as contained in Annexure-12 to the writ petition.

5. Learned Sr. counsel for the petitioner further submits that the impugned punishment order is self-contradictory and suffers from non-application of mind, inasmuch as the department itself has consistently recorded favourable Annual Confidential Reports (ACRs) acknowledging the petitioner's efficiency and excellence in work, while simultaneously punishing him on grounds of alleged inefficiency. Such contradictory actions on the part of the respondents render the entire departmental proceeding vitiated, arbitrary, and liable to be set aside by this Hon'ble Court. The impugned orders are violative of the principles of natural justice, fairness, and reasonableness, and are thus unsustainable in the eyes of law.

6. Learned counsel appearing on behalf of the State, on the other hand, submits that the present writ petition is wholly misconceived, devoid of merit, and is therefore liable to



be dismissed. It is further submitted that the impugned orders have been passed strictly in accordance with law and upon due consideration of the materials available on record. The petitioner joined the post of Circle Officer, Anchal Adhikari, Azamnagar, in the year 2013. During the course of his posting, several serious allegations were noticed against him, inter alia, unauthorized absence, disobedience of lawful orders, and avoidance of official duties, which adversely affected the smooth functioning of the office. Upon noticing the said irregularities, the petitioner was duly called upon to explain the allegations. However, his explanation was found to be unsatisfactory, which necessitated the initiation of a formal departmental proceeding under Rule 17(2) of the Rules, 2005. For the purpose of conducting the departmental proceeding, the Additional Collector, Katihar, was appointed as the Conducting Officer. The proceeding was conducted in accordance with the prescribed procedure and after affording adequate and reasonable opportunity of hearing to the petitioner.

7. It is further submitted that upon conclusion of the inquiry, the Conducting Officer submitted his report vide Letter No. 790 dated 27.09.2018, wherein the charges levelled against the petitioner were found duly proved based on the evidence and



materials brought on record. Thereafter, in compliance with the statutory requirements, a second show cause notice was issued to the petitioner vide Departmental Letter No. 4 dated 21.01.2019, granting him an opportunity to submit his representation against the findings recorded in the inquiry report. The petitioner submitted his representation, which, along with the allegations, his explanations, and the inquiry report, was carefully examined by the competent authority. Upon thorough consideration of all relevant aspects, the disciplinary authority arrived at a reasoned conclusion that the charges stood proved. Consequently, the disciplinary authority, in exercise of powers conferred under the relevant rules, imposed the punishment of withholding three increments of pay with cumulative effect. The said punishment is commensurate with and proportionate to the gravity of the misconduct established during the inquiry. Against the said order of the Disciplinary Authority, the petitioner preferred Service Appeal Case No. 33/2019-20 before the Appellate – cum - Revisional Authority-cum-Hon'ble Minister, Revenue and Land Reforms Department, Government of Bihar, Patna. The Appellate Authority, upon due consideration, confirmed the punishment order and rejected the appeal vide order dated 17.05.2022 (Annexure-11 to the writ



petition).

8. Learned counsel for the State further submits that the entire departmental proceeding was conducted in strict adherence to the principles of natural justice, and no procedural irregularity, illegality, or infirmity has been committed so as to warrant interference by this Hon'ble Court in exercise of its writ jurisdiction. As such, the writ petition, being devoid of any legal merit, deserves to be dismissed.

9. After hearing the parties and upon perusal of the records, it transpires to this Court that a major punishment has been imposed upon the petitioner by virtue of Memo No. 728 dated 31.10.2019. In order to decide the present writ petition, this Court deems it appropriate to quote the provisions of Rule 18 of CCA Rules, 2005, as under :-

“18. Action on the inquiry report.

(1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, may remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 17 as far as may be.

(2) The disciplinary authority, after receipt of the enquiry report as per Rule 17 (23)(ii) or as per sub-rule (1), shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own finding on such charge, if the evidences on record is sufficient for the purpose.



(3) The disciplinary authority shall forward or cause to be forwarded a copy of the inquiry report, together with its own findings, if any, as provided in sub-rule (2), to the government servant who may submit, if he or she so desires, his or her written representation or submission to the disciplinary authority within fifteen days.

(4) The disciplinary authority shall consider the representation or submission, if any, submitted by the Government Servant before proceeding further in the manner specified in sub rules (5) and (6).

(5) If the disciplinary authority having regard to its findings on all or any of the articles of charge, is of the opinion that any of the penalties specified in clauses (i) to (v) of Rule 14 should be imposed on the Government Servant, it shall, notwithstanding anything contained in Rule 19, make an order imposing such penalty.

(6) If the disciplinary authority, having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses [(vi) to (xi)] of Rule 14 should be imposed on the Government Servant, it shall make an order imposing such penalty and it shall not be necessary to give the Government Servant any opportunity of making representation on the penalty proposed to be imposed.

(7) Notwithstanding anything contained in sub-rules (5) and (6), in every case where it is necessary to consult the Commission, the Commission shall be consulted and its advice shall be taken into consideration before making any order imposing any penalty on the Government Servant.”

10. Rule 18 specifically deals with the action to be taken on the enquiry report. It is contended that after receipt of the enquiry report, the disciplinary authority, as per Rule 17(23)



(ii) of CCA Rules, 2005, if it disagrees with the findings of the Enquiry Officer, is required to record reasons for such disagreement and record its own findings. However, in case of agreement with the findings of the Enquiry Officer, the disciplinary authority is required to issue a second show cause notice to the delinquent employee.

11. In the present case, a second show cause notice was issued and the petitioner also submitted his reply to the said notice. Rule 18(4) of the aforesaid Rules categorically provides that the disciplinary authority shall consider the representation or submission, if any, submitted by the Government servant before proceeding further in the manner specified in sub-rules (5) and (6).

12. However, in the present case, the statutory requirement of Rule 18(4) has not been complied with. The Rule mandates that the disciplinary authority shall consider the representation or submission submitted by the Government servant, but from the impugned order it appears that the representation submitted by the petitioner has been dealt with in the following manner:

“श्री भंडारी के विरुद्ध प्रतिवेदन आरोपों, उनके द्वारा समर्पित स्पष्टीकरण, संचालन पदाधिकारी से प्राप्त जॉच प्रतिवेदन एवं श्री भंडारी द्वारा समर्पित द्वितीय



कारण-पृच्छा/अभ्यावेदन के समीक्षपरान्त पाया गया कि आरोपी का स्पष्टीकरण स्वीकार योग्य संतोषप्रद नहीं है।”

13. It is well settled that a disciplinary proceeding is a quasi-judicial proceeding. A mere observation that the representation submitted by the delinquent employee is not satisfactory does not meet the requirement of law. The disciplinary authority is required to undertake proper scrutiny of the representation and assign reasons while passing the final order, in compliance with Rule 18(4) of the CCA Rules, 2005.

14. In the present case, this Court is of the considered view that the disciplinary authority has failed to apply its mind in accordance with the mandate of Rule 18(4) of the CCA Rules, 2005. For this reason, this Court finds that the order contained in Memo No. 728 dated 31.10.2019 cannot be sustained in the eyes of law. The appellate authority has also failed to apply its judicial mind and has merely observed that the explanation submitted in response to the second show cause notice was not found satisfactory.

15. For the aforesaid reasons, both the orders, namely the disciplinary order dated 31.10.2019 as contained in Memo No.728 (NiO ko) passed by respondent No.3, namely, the Additional Secretary, Revenue and Land Reform Department,



Govt. of Bihar, Patna ((Annexure-11) and the appellate order dated 17.05.2022 passed by the learned court of the Appellate/Revisional Tribunal cum Hon'ble Minister, Revenue and Land Reform Department, Govt. of Bihar, Patna in Service Appeal Case No.33/2019-20 (Annexure-12), are hereby set aside.

16. Accordingly, the matter is remanded back to the disciplinary authority to pass a fresh order, after due consideration of the second show-cause reply of the petitioner, within a period of 90 days from the date of this order

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	31.01.2026
Uploading Date	16/03/2026
Transmission Date	NA

