

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**W.P. (S) No.10 of 2022**

-----  
Sanchita Bhakat, aged about 45 years, daughter of Shri Chanchal Kumar Bhakat, resident of Holding No.:2 P & B Colony, 4<sup>th</sup> Phase, Adarsh agar, Sonari, P.O. & P.S.- Sonari, District-East Singhbhum;

....Petitioner

Versus

1. The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Project Bhawan, P.O. and P.S.- Dhurwa, District-Ranchi;
2. Principal Secretary, Women, Child Development & Social Security Department, Government of Jharkhand, Project Bhawan, P.O. and P.S.- Dhurwa, District-Ranchi;
3. Deputy Secretary, Social Welfare (Women & Child Development) Department, Government of Jharkhand, Project Building, P.O. and P.S.- Dhurwa, District-Ranchi.

....Respondents

-----  
**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

-----  
For the Petitioner : Mr. D.K. Dubey, Adv.

For the Resp.-State : Mr. Pradeep Kumar, A.C. to AAG-IV  
-----

**09/Dated:-09.09.2024**

Heard learned counsels for the parties.

**2.** The instant writ application has been preferred by the petitioner praying therein for quashing and setting aside the order dated 16.06.2014 (Annexure-4), whereby the petitioner has been saddled with punishment of demotion in lower time scale of pay and has been deprived from getting any salary during the period of suspension.

The petitioner has further prayed for quashing and setting aside the order issued under memo No.3287 dated 05.12.2016 (Annexure-6), which is the appellate order sustaining the order of punishment.

**3.** At the outset, learned counsel for the petitioner submits that the impugned order has been assailed on two grounds apart from other grounds on merit:

**(I)** The enquiry report has not been supplied to this petitioner which has caused prejudice to her and the

details of her prejudice has been mentioned in detail in paragraph 5 to 13 of the supplementary affidavit and the same has not been denied, save and except, by saying that the petitioner had replied to the show cause.

**(II)** The impugned order of punishment is completely non-reasoned order, inasmuch as, vide Annexure-3, she has filed the reply to the second show cause and in which several grounds were taken by the petitioner; however, the Disciplinary authority, just in one paragraph, without giving any deliberation on the grounds taken by the petitioner and with non-application of mind, has passed the impugned order.

**4.** Learned counsel for the respondents submits that he is relying on para 11, 12 and 13 of the counter affidavit, wherein the crux of the matter is that they have not disputed the fact that the enquiry report has not been given to the petitioner. Further, they have simply said that the impugned order has been passed after giving the second show cause notice.

**5.** After perusing the impugned order, it is evident that the same has been passed without assigning any reason. For brevity the impugned order of punishment is quoted hereinbelow:

“संख्या-स० क०/राज० आरोप-293/2011-1099

राँची, दिनांक: 16 जून 2014

श्रीमती संचिता भक्त, (निलंबित) तत्कालीन बाल विकास परियोजना पदाधिकारी, गोलमूरी-सह-जुगसलाई (पूर्वी सिंहभूम) के विरुद्ध प्रतिवेदित आरोपों के आलोक में असैनिक सेवाएँ (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 1930 के नियम-55 के तहत विभागीय कार्यवाही इस विभाग के संकल्प सं०-112 दिनांक 16.01.2012 द्वारा प्रारंभ की गई थी। उक्त विभागीय कार्यवाही में संचालन पदाधिकारी से प्राप्त जाँच प्रतिवेदन तथा पूर्व में भिन्न-भिन्न परियोजनाओं में पदस्थापन के दौरान प्राप्त आरोपों के आलोक में विभाग द्वारा संसूचित किये गये दण्ड के लिए श्रीमती भक्त को बृहद दण्ड देने हेतु द्वितीय कारण पृच्छा की गयी थी, जिसके आलोक में श्रीमती भक्त से प्राप्त द्वितीय कारण पृच्छा की समीक्षा की गयी तथा संतोषजनक नहीं पाया गया। फलस्वरूप सम्यक समीक्षोपरान्त सरकार द्वारा श्रीमती संचिता भक्त, बाल विकास परियोजना पदाधिकारी को बृहद दण्ड के रूप में निम्नांकित दण्ड दिये जाने का निर्णय लेते हुए विभागीय कार्यवाही को समाप्त किया जाता है:-

(1) कालमान वेतन के निचला स्तर पर अवनति करना।

(2) निलंबन अवधि में बिना कार्य के विताये गये अवधि के लिए कोई वेतन-भत्ता आदि देय नहीं होगा।

उपर्युक्त दण्ड के साथ श्रीमती भक्त को तत्काल प्रभाव से निलंबन से मुक्त करते हुए बाल विकास परियोजना पदाधिकारी, हरिहरगंज (पलामू) में पदस्थापित किया जाता है। इनका मुख्यालय हरिहरगंज (पलामू) रहेगा।

झारखण्ड राज्यपाल के आदेश से,”

**6.** After perusing Annexure-3, which is reply to the show cause notice, it appears that the petitioner has taken several grounds in the reply to show cause; however, none of the grounds has been deliberated by the disciplinary authority in its impugned order; as such on this score alone the impugned order is fit to be quashed and set aside.

**7.** It further transpires that there is a specific assertion of the petitioner that enquiry report was not submitted to her while serving her the second show cause notice and the same has not been denied; rather it has been admitted in essence by only saying that the petitioner had replied to the second show cause notice.

**8.** Having regard to the aforesaid factual scenario, admittedly, there is procedural lapse committed by the respondents; accordingly, the instant writ application needs interference.

**9.** As a result, the impugned order of punishment dated 16.06.2014, is quashed and set aside and consequently the order passed in appeal is also quashed. However, the matter is remitted back to respondent No.2, with a direction to start the proceeding afresh, from the stage of giving enquiry report to the petitioner and after seeking the reply, pass an appropriate order in accordance with law and applicable rules and regulations.

**10.** Accordingly, the instant writ application is allowed.

***(Deepak Roshan, J.)***

vikas/-