IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 419 of 2025

1. The State of Jharkhand, through the Secretary, Road Construction Department, Ranchi
2. Deputy Secretary, Road Construction Department, Government of Jharkhand, Ranchi
3. Engineer-in-Chief, Road Construction Department, Government of Jharkhand, Ranchi
4. Superintending Engineer, Road Construction Department, Dumka Circle, Dumka
5. Superintending Engineer, Central Design, Road Construction, Ranchi
6. Executive Engineer, Road Division, Godda
7. Executive Engineer, Road Division, Sahebganj

….. Appellants

Versus

Moti Prasad, S/o Late Deep Narayan Sinha, R/o Chitragupt Colony, P.O.-Godda College, P.S. & District-Godda, at present posted as Senior Accounts Clerk, Road Division, Sahebganj, P.O., P.S. & District-Sahebganj ….. Respondent

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CORAM

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellants: Mr. Om Prakash Tiwari, G.P.-III

For the Respondent: -

03/08.07.2026

1. Heard Mr. Om Prakash Tiwari, learned G.P.-III, for the appellants-State.

2. The present appeal is directed against the learned Single Judge's order dated 26.06.2024 allowing the respondent's W.P.(S) No. 4460 of 2012.

3. Mr. Om Prakash Tiwari, learned counsel for the appellants, submits that in this case, though the inquiry report in which the charges against the respondent were found to be proved, may not have been supplied to him before imposition of penalty, still, the record shows that he participated in the inquiry proceedings and had not established any prejudice whatsoever.

4. Mr. Om Prakash Tiwari submits that there is nothing like a technical breach of natural justice and the party, who is complaining of such breach, must establish prejudice. He relies on the judgments rendered by the Hon'ble Supreme Court in the cases of ***State Bank of Patiala & Others v. S.K. Sharma;*** reported in ***(1996) 3 SCC 364*** and ***Haryana Financial Corporation & Another v. Kailash Chandra Ahuja;*** reported in ***(2008) 9 SCC 31*** in support of this.

5. We have considered the above contentions.

6. In this case, the issue is not about participation of the respondent in the inquiry proceedings. After the inquiry proceedings concluded, the respondent was not furnished with a copy of the inquiry report and was not given an opportunity to deal with the same before imposing a penalty of censure, stoppage of one annual increment with cumulative effect, and recovery of Rs. 87,500/- with interest.

7. Even the appeal instituted by the respondent was rejected summarily without considering any of the contentions raised by and on behalf of the respondent.

8. In the present case, the respondent had pleaded how non-supply of the inquiry report had caused the respondent serious prejudice. The respondent had pointed out how findings of the inquiry officer were contrary to the record. The respondent has also pointed out how his appeal was summarily rejected without considering any of the contentions raised by him in the appeal memo.

9. Therefore, this is not a case of any absence of prejudice as is now sought to be contended by learned counsel for the appellants.

10. Though it is correct that the order of punishment cannot, in every case, be mechanically set aside merely upon noticing that the copy of the inquiry report was not furnished to the delinquent employee, this is not a case where the respondent has failed to establish prejudice.

11. In this case, the impugned punishment order was not restricted only to censure, but extended to stoppage of one annual increment with cumulative effect. There was a further order for the recovery of a certain amount, with interest, from the respondent. The respondent has retired on attaining the age of superannuation. Normally, recoveries are not ordered when an employee is on the verge of retirement.

12. For all the above reasons, we are satisfied that no case has been made out to interfere with the impugned order.

13. Additionally, we note that the appeal was filed 256 days late. Although notice was issued to the respondent, it is now reported that he has not been served. To our query as to whether the directions in the impugned order have been complied with, we are informed that they have not been complied with due to pendency of this appeal.

14. We note that invariably the appeals are filed beyond the prescribed period of limitation and kept pending. Such pendency is then cited as an excuse for non-compliance with the directions of the impugned order. Even the reasons for delay are not quite

satisfactory and do not constitute sufficient cause. Based upon the usual bureaucratic procedures and movement of files, delay cannot be routinely condoned.

15. Although we were not required to examine the merits of the matter, we were persuaded to consider them because it was argued that the Appellant has an excellent case and, therefore, the delay must be condoned. Upon examination, however, we find that no such case has been made out in the facts and circumstances of the present case.

16. Accordingly, for all the above reasons, we dismiss I.A. No. 5078 of 2025 seeking condonation of delay and consequently dismiss the accompanying appeal. No costs.

(M. S. SONAK, C.J.)

(RAJESH SHANKAR, J.)

08.07.2026
Satish/Vikas/