

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4316 of 1999

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Mohan Lal Rajak, Son of Late Ganauri Rajak, resident of Mohalla-Ram Nagari,
Sector-5, Magistrate Colony, P.O.-Asiana Nagar, Patna Town, District-Patna-25.

.... **Petitioner/s**

Versus

1. The State of Bihar, through the Secretary, Personnel and Administrative Reforms
Department, Government of Bihar, O.D. Secretariat, Patna.
2. The Convenor of Bihar, Rajbhawan, Patna.
3. The Additional Secretary, Personnel and Administrative Reforms Department,
Government of Bihar, Old Secretariat, Patna.

.... **Respondent/s**

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Dhurjati Kumar Prasad (G.P.-7)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 10-04-2015

No one appears on behalf of the petitioner. Learned
counsel for the respondents-State of Bihar is present.

2. The petitioner was at the relevant point of time
posted as the District Transport Officer, Dumka. He is
aggrieved by an order dated 01.06.1998, by which he has
been dismissed from service on several charges of
misconduct, which are referable to the period from



07.10.1985 to 12.10.1985. The allegation is with respect receipt of payment of road tax of several vehicles, on the basis of forged Challans, issuance of local number of re-registration of vehicles on the basis of forged documents without obtaining no objection certificate; issuance of duplicate registration register and issuance of illegal driving licenses etc.

3. After holding a preliminary enquiry, the Disciplinary Authority decided to initiate a disciplinary proceeding against the petitioner. Accordingly, chargesheet in appropriate proforma was served upon him. A Conducting Officer was appointed to look into the allegations made in the chargesheet against the petitioner. The Conducting Officer submitted his report on 10.12.1992. From the pleadings and counter pleadings, it appears that the petitioner had submitted his written statement of defence and has participated in the departmental enquiry. There is nothing substantial in the pleadings of the writ application, which would show any deviation of the prescribed procedure from holding the departmental enquiry. There is no material to show that there had been any breach of principles of natural justice, in course of departmental enquiry conducted by the Conducting

Officer. Nothing has been pleaded in the writ application that any breach of the prescribed procedure or principles of natural justice, caused any actual prejudice to the petitioner.

4. It has been stated in the writ application, in Paragraph No. 43 that certain documents, which the petitioner had demanded, were not supplied to him in course of the departmental enquiry. Nothing has been stated, however, in the writ application as to how those documents were relevant for the petitioner, for the purpose of his defence in course of the departmental enquiry nor there is any specific pleading that non-supply of such documents in fact caused any prejudice to his case.

5. The plea of violation of the constitutional mandate under Article 311 (2) of the Constitution of India, therefore, does not have any force in the particular facts and circumstances of the present case.

6. Upon considering the report of the Conducting Officer, the petitioner's written statement of defence, the disciplinary authority keeping in view the gravity of charge imposed upon the petitioner, the punishment of dismissal from service. Keeping in view the gravity of charges levelled against him in the departmental enquiry, the punishment of

dismissal from service imposed upon the petitioner, cannot be said to be shockingly disproportionate to courts' conscience rather, in my opinion, the punishment is befitting the gravity of charges framed against him.

7. I do not find any procedural infirmity in course of holding departmental proceeding, on the basis of the pleadings made in the writ application, warranting interference by this Court while exercising power of judicial review under Article 226 of the Constitution of India. I am of the opinion, on the basis of averment made in Paragraph No. 44 of the writ application, that the documents on the basis of which department intended to prove the charge against the petitioner, were supplied to the petitioner.

8. Having observed thus, I am of the view that the impugned order dated 01.06.1998, does not need any interference.

9. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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