

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12899 of 2008

Taleber Ray, son of Lal Bhag Narayan Ray, resident of Village – Rasulpur Malimala, P O – Baghari Via Mani Chowk, P S – Runni Saidpur, District – Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Member, Board of Revenue, Bihar, Patna.
3. Commissioner, Darbhanga.
4. Collector, Madhubani.
5. Sub-Divisional Officer, Benipatti, District – Madhubani.
6. Circle Officer, Benipatti, District – Madhubani.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. GIRIJANAND PRASAD

For the Respondent/s : Mr. (SC16)

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-04-2015

The findings are loaded against the petitioner on a set of rather serious charges with regard to conduct of a government servant. The charges are Annexure-2. Enquiry was held, finding of guilt established and then petitioner walked away with the lightest of the punishment possible, which rightly has been objected to or observed by the Member, Board of Revenue that nothing less than dismissal could have served the purpose.

2. The petitioner should be more than happy that he was allowed to superannuate and still draws pension and other retiral benefits. The detailed finding of the enquiry officer, contained in Annexure-9, does not enthruse this Court to give him benefit of any technicality of law especially when he knew that he could not defend himself effectively and therefore, chose not to participate in the enquiry on one pretext or the other.

3. Since the petitioner has already superannuated, nothing further is

required to be done in the matter. Otherwise, the Court was inclined to remit back the matter for enhancement of punishment.

4. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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