

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13734 of 2008

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Krishna Deo Singh, son of late Chakradhar Singh, resident of Village – Bazar Chawata, Police Station – Shambhuganj, District – Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Secretary cum Commissioner, Minor Irrigation Department, Govt. of Bihar, New Secretariat, Patna.
3. Chief Engineer, Minor Irrigation Department, Bhagalpur at Bhagalpur.
4. The Superintending Engineer, Minor Irrigation, Circle – Bhagalpur.
5. Executive Engineer, Minor Irrigation Division, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. ASHOK KUMAR SHARMA
Mr. Rahul Nath

For the Respondent/s : Mr. (GA6)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-04-2015

Punishment order is contained in Annexure-1. The reason for initiating the departmental proceeding against the petitioner is attributable to him because he seems to have filed a writ application, which was CWJC No. 9986 of 2006 and heard and disposed of on 10.1.2013 by a learned single Judge. A copy of the said order has been produced by the counsel for the petitioner, reading of which indicates that the writ application was filed for a direction upon the respondents to complete the service-book of the petitioner and to pay him full salary for the period of service rendered by the petitioner.

2. Petitioner was supposed to have been appointed as a Junior Engineer on 1.2.1977. He superannuated on 31.7.2009. Writ application was for a direction to prepare the service-book and then grant him benefit of salary, pension etc.

3. From the material produced on record by the petitioner himself and

after reading the charge-sheet, it is evident that the service-book of the petitioner was in his custody, which he intentionally and deliberately withheld and after suppressing the above facts he filed the writ application trying to paint a picture that the petitioner was a victim and the department was oppressing him.

4. There is adequate evidence which has emerged in the enquiry with regard to the service book of the petitioner having been opened. It was handed over to him for delivery to a superior authority but he withheld the service-book and filed a misleading kind of writ application giving the impression that no service-book was opened and that is the reason for non-settlement of his claim.

5. Petitioner cannot draw advantage of his indiscretion and his conduct as a government servant. The punishment therefore is the minimum punishment which could be given at the relevant time, which is entry of 'censure' and withholding three increments with cumulative effect.

6. Be that as it may, no interference is warranted with the punishment order in the given facts, especially when it will amount to awarding the petitioner for his own illegal conduct, which stands established.

7. Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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