

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14196 of 2008

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Upendra Prasad Ram, son of Late Mahabir Ram, Resident of village Kajhi, PS Banmankhi, in the district of Purnea, posted as office Clerk, Civil Court, Supaul

.... Petitioner/s

Versus

1. The State of Bihar
2. The Registrar (Administration), High Court of Judicature at Patna
3. The District and Sessions Judge, Saharsa
4. The Enquiry Officer- cum- Additional District and Sessions Judge, Fast Track Court I, Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Amit Kumar Anand
Mr. Vinay Ranjan

For the Respondent/s : Mr. D.K.Sinha, AAG 10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-04-2015

There cannot be compassion within compassion especially when in the enquiry held against the petitioner, finding of some serious omission and guilt has come to be established.

Previous order of punishment of 2 days' break in service was interfered by the High Court in the earlier writ application of the petitioner, which was CWJC No.12791 of 2006. A copy of the order is Annexure- 13. The matter was sent back to the District Judge for reconsideration on the ground that the nature of punishment was not provided for in the CCA Rules prevalent at the relevant time.

Petitioner was offered opportunity by issuing him a fresh second show cause. In the second show cause, he only took a plea

that he had an old mother to take care of and had minor children. Since that was his first indiscretion, the matter should be reconsidered with kindness. Kindness has been shown by the District Judge by not dismissing him from service but reducing him to the initial pay scale of a clerk and with a direction that he will not work as office clerk or bench clerk for five years in future.

The conduct of the petitioner was such that in normal course of things he could have been thrown out of the system because he tried to sully the system of justice by his own conduct which stands established. However, he has survived in service. The District Judge vide impugned order contained in Annexure- 14 has given him the punishment, which he well deserved. The Court will not further dilute that punishment by any kind of interference.

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

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