

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4992 of 2003

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Ram Kishore Pandey, son of Late Kapildeo Pandey, resident of At and P S –
Mokama, District – Patna.

.... Petitioner/s

Versus

1. Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna through its Secretary.
2. Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
3. Joint Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kishore, Sr. Advocate

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 25-06-2015

Petitioner has retired as an Executive Engineer. He filed the writ application challenging the order of the punishment passed in Annexure-2, which is dated 25.10.2002 as well as the order in appeal, which is Annexure-1. Annexure-1 is dated 25.3.2003.

2. The nature of punishment is entry of censure in the ACR of the petitioner for the year 2001-2002 as also not to be paid salary and other allowances except subsistence allowance for the period of suspension. The period of suspension, however, was treated to be on duty for the purpose of retirement benefits. The above order of punishment was upheld.



3. The charges drawn up against the petitioner primarily relates to demand of bribe, extortion and refusal to provide transformer and power connection to the village, due to failure of the villagers to pay bribe to the extent petitioner had demanded. There is also allegation against the petitioner of throwing his weight and flaunting his connection to a man, who happened to be a person of notoriety, whatever be the position as an elected representative which he held then or thereafter. The charges with regard to demand of bribe etc. were established. Charge No.2 was not found to be correct or no adequate evidence came in this regard to establish that charge.

4. Counsel for the petitioner has many a submissions with regard to quality of evidence which has come. Other arguments are that no notice of disagreement was given and still punishment came to visit the petitioner.

5. In the normal course of things, even the charge which stands established and proved was good enough for the respondent authorities to dismiss him from his post and position. But I think there were reasons which must have weighed upon the authorities to treat the petitioner with a kid glove. Punishment of censure for the charges or demand of bribe and failure to provide energy to the villagers is a rather serious charge, if not misuse of office by the petitioner. But still if the respondent authorities decided to impose only punishment of

censure as well as withholding of salary for the period of suspension, may be petitioner's connection with the man who invoked certain amount of fear in the heart of many could have been one of the reasons as to why the petitioner was treated so gently for the charges.

6. In spite of valiant submission put up by the learned senior counsel, the Court is not enthused to come to any contrary finding against the decision of the disciplinary authority. Least of punishment has been imposed. If the petitioner was still in service this Court would have surely directed enhancement of punishment and re-consideration of the punishment.

7. Counsel for the petitioner tries to draw similarity as well as advantage from an order contained in Annexure-23 and Annexure-24. His submission is that for the same set of charges, Junior Engineer was punished but he was exonerated.

8. The fact which may have weighed in favour of the said petitioner is not seen by this Bench from the record as such. In view of the same, there cannot be equality in law of the kind which he is looking for. The facts speak for themselves. The responsibility of the petitioner was much higher and he was the authority in command. He cannot be equated with a Junior Engineer because the buck for such decision-making stops at the table of the Executive Engineer. The demand for bribe is primarily against him.

9. Writ application for the above reasons stands dismissed.



R.K.Pathak/-

(Ajay Kumar Tripathi, J)

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