

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1758 of 2000

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Sri Shyam Bihari Ram son of Late Badree Ram, at present posted as Engineer-in-chief, Water Resources Department (Minor Irrigation), Government of Bihar, Patna.

.... Petitioner/s

Versus

1.The State of Bihar.

2. Commissioner cum Secretary, Water Resources Department, Government of Bihar, Patna.

3.Mr. Radha Singh, son of (late) T.P.Singh, at present posted as Commissioner cum Secretary, Water Resources Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. Manoj Kumar Jha, AC to GP 26.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

5 01-04-2015 No one appears for the petitioner.

Earlier also on 19.10.2011, no one had appeared to press this writ application.

From the reading of the impugned order of punishment dated 18.05.1999, it transpires that the petitioner was subjected to punishment of censure and recovery of Rs. 70,000/-. Let it be noted that such order of punishment was passed against the petitioner after giving opportunity of filing show cause in terms of Rule-55A of the Bihar Civil Services(Classification,

Control & Appeal) Rules, 1935, as was in force at the time of order of punishment.

The solitary plea raised by the petitioner in this writ application that no departmental proceeding was conducted before inflicting such punishment is obviously unsustainable because in case of minor punishment there was no need of holding departmental proceeding. As a matter of fact, once this Court finds that the petitioner was given opportunity to file his explanation by notice dated 27.07.1991, and he had also submitted his explanation whereafter the impugned reasoned order on full consideration of the materials on record was passed, this Court would now find it difficult to interfere with such impugned order of punishment.

This Court therefore does not find any merit in the application and the same is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Ranjan/-

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