

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6225 of 2011

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1. Rajeshwar Prasad S/O Kuldip Mahto R/O Village - Dugapur, P.S. -
Giriyak, District - Nalanda, Correspondence Address - C/O Anand Kumar
Sinha (Advo.) Mohalla - Salempur (Paijawapar), Board No. 1, Barh,
District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary
2. The Administrative, Bihar State Transport Corporation Limited, Bihar,
Patna
3. The Administration Chief, B.S.Tc. Ltd. Bihar, Patna
4. The Travellor Manager Cum Special Officer, B.S.T.C.Ltd. Head Office,
Patna (Bihar)
5. The Sub Divisional Account Officer, Muzaffapur Depot, Muzaffapur
6. The Superintendent, Sitamarhi, Depot, Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.U.B.Roy, Adv.
Mr. Binit Kumar, Adv.

For the Respondent/s : AAG-6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 19-01-2015 Heard counsel for the petitioner and the respondents.

In this case, the petitioner is challenging the order of
dismissal vide Office Order No.74 contained in Memo No. 669
dated 21st January 2010 whereby and whereunder it has been
found that charges have been found against him and passed the
order of dismissal.

A checking was made of vehicle vide BR 30A/3305
which was running between Muzaffarpur to Sitamarhi and there it
was found that 12 passengers were traveling without tickets. The

petitioner took the plea in his show cause that 2 Kms ahead from Muzaffarpur some passengers forcibly boarded in the bus after blocking the road and when demand for fair was made, they refused to pay the same.

A departmental proceeding was initiated against the petitioner. There charges were found proved which led to dismissal of the petitioner.

Counsel for the petitioner submits that the persons who were traveling without ticket have not been examined nor their names are appearing in the Memo of checking report, even the driver who was plying the vehicle, was not examined. In such view of the matter, the whole proceeding vitiates and also the dismissal order is not sustainable in law.

Counsel for the petitioner has also relied on the Circular dated 2nd June 2009 where it has been provided that if in one financial year for single misconduct, then the Corporation will realize 10 times of the fare and for 2nd time, the proceeding for dismissal will be initiated.

From the record it appears that earlier also the petitioner was put to departmental proceeding and also punishment was awarded to him by realizing the fare 5 times and also other punishment.

This Court is of the view that mere non-examination of passengers who were traveling without ticket and their names are not appearing in check list, including non-examination of driver will not vitiate the departmental proceeding, in a situation that the person who has conducted the checking of bus was examined so much so that the report was also admitted before the Enquiry Officer. This is not the case of no evidence. The past record of petitioner is not fair and proper, as petitioner has been found committing misconducts in past. Due to some technical defect in the some technical order will not vitiate the whole departmental enquiry.

This Court finds no error in the order impugned. This petition is accordingly dismissed.

(Shivaji Pandey, J)

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