

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12750 of 2007

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Raj Kishore Sinha son of late Chanrika Prasad Sinha resident of Mohalla
 Rashikpur PO Dumka P.S Dumka Dist Dumka (Jharkhand)

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. S. Raza Ahamd, AAG IX

Mr. Vishambhar Prasad, AC to AAG IX

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 21.01.2015

No one appears on behalf of the petitioner on repeated call.

Learned counsel for the State is present.

Petitioner has sought for quashing office order no. Nig/Sara I (Gra) -06/05-211 Patna dated 29.10.2005 by which departmental proceeding was initiated against him, for quashing letter no. Nig/Sara I (Gra) 06/2005-6863 (S) dated 03.07.2006 by which second show cause notice was issued against him, for quashing office order no. Nig/Sara I (Gra) -06/05-258 Patna dated 14.10.2006 by which punishment was inflicted upon him and for quashing letter no. Nig/Sara II (Gra) -06/05-3217 (S) Patna dated 07.03.2007 by which his review petition was rejected.

Admittedly, petitioner was posted as Junior engineer in Road Construction department and subsequently, his service was transferred to Rural Development department, State of Bihar.

Allegedly, petitioner committed some irregularities and for the above stated irregularities, departmental proceeding was initiated



against him. In the departmental proceeding, charges as well as other relevant documents were served upon him and after conclusion of the departmental proceeding, Conducting officer found allegation untrue and recommended for exoneration of the petitioner of the charges framed against him but the competent authority did not agree with the recommendation of the enquiry authority and issued second show cause notice against the petitioner. Petitioner filed his second show cause notice which was not found satisfactory and accordingly, disciplinary authority imposed punishment upon the petitioner. After that petitioner filed review petition before disciplinary authority raising certain grounds but the disciplinary authority rejected the review petition on the ground that there was no provision to file review petition.

The grievance of the petitioner is that petitioner was punished on the charges which had never been framed in the departmental proceeding but learned counsel appearing for the State drew my attentions towards annexure 1 (Forum **Ka**) and submitted that there was specific charge against the petitioner that he illegally sanctioned amount in favour of agents who were appointed to execute certain government schemes. Learned counsel for the State further submitted that Forum **Ka** reveals that the petitioner was specifically charged as he sanctioned amount without taking any measurement earlier done by the concerned agents and, therefore, it can not be said that the petitioner was punished on the basis of the charge which has never been framed against the petitioner.

From perusal of the documents available on record, I find

substance in the submissions of learned counsel for the State and, therefore, in my view, this petition does not have any merit and accordingly, this writ petition stands dismissed.

shahid

(Hemant Kumar Srivastava,J)

