

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18110 of 2008

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Balgobind Ram, son of Late Chanul Ram, resident of Village Garura, PS Sasaram in the District of Rohtas (Sasaram) presently posted as Chairman of Gandak Area Development Agency, Combined Building, Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. Deputy Secretary, Water Resources, Government of Bihar, Old Secretariat, Patna
3. The Commissioner- cum- Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna
4. The Joint Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna
5. The Under Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Krishna Singh

For the Respondent/s : Mr. P.K.Verma, AAG 5

Ms Jahan Ara, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 14-05-2015

Court has gone through the set of charges drawn against the petitioner, which is a clear indication of decisions taken by the petitioner, which were neither in the interest of Gandak Area Development Agency or the interest of the State as these organizations were reeling under acute financial crisis. The indiscretion committed by the petitioner did not help either. He tried to give undue advantage to many employees, who did not even deserve the kind of conferment of benefit and assignment. Court has occasion to say this after a detailed finding in this regard came to be



rendered. The set of charges are Annexure- 9 A series. There is no denial of the decision so taken by the petitioner by virtue of being the Chairman of the Agency. What has been sought to be justified in the interest of the agency seems to be more in the interest of the petitioner because no seasoned administrator at the position of the Chairman, who also happened to be a Chief Engineer, in any other organization would give promotion to Treasury Guards to work as Accountants/ Clerks, which is not the chain of promotion or would allow surveyors to work as Junior Engineers. It was done with motive.

This Court has been flooded with all kinds of writ applications because of such kind of indiscreet decision taken by such authorities. Unnecessary litigations had burdened the State or state agencies since such employees started demanding benefits on regular basis.

The bona fide of the petitioner regarding the decision so taken is missing. The findings are loaded against him. The Court, in fact, is surprised as to why the State Government was indulgent towards the petitioner. Despite the finding of guilt, innocuous kind of punishment came to visit him, which is censure for the year 2004 and withholding of one increment without cumulative effect. This kind of kid glove treatment has not been seen by the Court in such

serious omissions and indiscretion committed at the level and the position the petitioner held.

The Court was inclined to remand the matter back to the authorities to consider whether a case for enhancement of punishment was made out or not. But since the petitioner has superannuated in the year 2008 and his writ application could not be taken up earlier, the Court decides to allow the matter to rest at that.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

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