

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15831 of 2007

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Lal Baboo Prasad son of Late Motilal Sahu resident of Mohalla Mahabir Asthan
Lane, Mahendru, P.S. Sultanganj, Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The Agriculture Production Commissioner, Bihar, Patna
3. The Special Secretary, Department of Agriculture, Bihar, Patna

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 04-05-2015

Heard.

The petitioner is aggrieved by the order dated 10.08.2007 issued by the Special Secretary, Department of Agriculture, Bihar, Patna whereby the minor punishment in the shape of withholding of two annual increments have been inflicted on the charge that he demanded and received the illegal gratification amount for processing papers for obtaining bank loan as well as the benefit of ACP of the employee under him.

The petitioner during the relevant time was functioning as the Deputy Director, Agriculture (Mechanical), Govt. of Bihar. A complaint was received in this regard from the employee concerned. The respondent required an affidavit in support of the charge which was filed whereafter the matter was enquired into and a show cause notice was issued to the petitioner against the infliction of minor punishment to which he

replied. On a consideration of his reply the same was found unsatisfactory and accordingly the aforesaid minor punishment was inflicted on him.

A counter affidavit has been filed on behalf of the respondents. A.C. to G.A. 7 has placed relevant facts stated therein. It has been stated therein that an explanation was sought from the petitioner and finding the reply unsatisfactory the competent authority awarded minor punishment of withholding two annual increments with non cumulative effect. It has also been stated in paragraph 11 that dissatisfied with the order the petitioner has already filed an appeal which is under consideration.

In view of aforesaid, no indulgence is required in the present writ petition. It is accordingly dismissed.

The dismissal of the writ petition will not preclude the respondents from disposing of the pending appeal, if any, filed by the petitioner in accordance with law.

(Kishore Kumar Mandal, J)

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