

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18515 of 2008

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Mauleshwar Prasad, son of Daroga Lall, resident of Rajiv Nagar, P.O. Keshri Nagar, P.S. Patliputra, District _Patna.

.... Petitioner/s

Versus

1. The Accountant General, Bihar, Birchand Patel Path, Patna
2. The State of Bihar through Secretary, Department of Co-operative, Government of Bihar, Patna Vikash Bhawan, New Secretariat, Patna.
3. The Principal Secretary, Department of Co-operative, Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar, Advocate
For the State : Mr. Ashok Kumar Keshri, AAG 11
For the A.G. : Mr. Raj Nandan Prasad

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

11 19-01-2015 Heard the parties.

Learned counsel for the petitioner is permitted to implead the Principal Secretary, Department of Co-operative, Government of Bihar, Patna as respondent no.3.

In the present writ petition, petitioner is claiming that he has been punished twice for single misconduct and submitted that he cannot be put peril at two times for the same misconduct in which he has already received punishment in 2004. Petitioner has already superannuated from service on 29.2.2008.

In a departmental proceeding petitioner was awarded the minor punishment of censor and was brought down by



four stages in his scale and he has not challenged the order. Petitioner was granted promotion to the post of Joint Registrar vide letter no.2067 dated 20.6.2007 with effect from 1.8.2002. While fixing his pay scale his pay was again reduced by four stages in sum and substance not only once but reduced his pay at on two occasions. He has submitted that he has already suffered on account of the order of punishment passed against him and after promotion the petitioner can not be visited with punishment for same wrong..

Learned counsel for the State has pointed out that the punishment was passed in February, 2004 and accordingly his pay was reduced by four stages. Again he was promoted to the post of Joint Registrar. The pay was fixed in terms of order of punishment for reduction by four stages, accordingly while granting the pay of Joint Registrar he was properly adjusted.

This Court is not satisfied with the version of the State and this Court is of the view that it requires further consideration as to whether a person who has already received punishment in 2004 on promotion again that punishment has any bearing or any effect, subsequently. This Court is not satisfied, the manner the petitioner has been dealt with.

In this view of the matter, petitioner is directed to file a detailed representation before the Principal Secretary, Department of Co-operative, Government of Bihar, Patna. If such a representation is filed by the petitioner, the Principal Secretary, Department of Co-operative, Government of Bihar, Patna is directed to dispose of the same within a period of three months from the date of filing the representation.

With the aforesaid observation and direction this writ petition is disposed.

Vinay/-

(Shivaji Pandey, J)

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