

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4804 of 2015

Ramesh Mahto son of Late Kadhani Mahto resident of Village Kusuma Bardihar,
P.S. Singar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate -Cum-Collector, Aurangabad.
4. The Deputy Development Commissioner, Aurangabad.
5. The Sub- Divisional Officer, Daudnagar, District- Aurangabad.
6. The Programme officer, Obera, District- Aurangabad.
7. The Block Development Officer, Obera, District- Aurangabad.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6

For the Respondent/s : Mr. RAM BALAK MAHTO

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-07-2015

09.07.2015

Heard learned counsel for the parties.

Petitioner tried to come clean just before the order of punishment was going to be passed against him for two set of charges. He takes a plea that he has already refunded major part of the money which was done even before the occasion for imposition of punishment arose. This fact should have been taken into consideration. The other explanation is that he was prevented from handing over charge, because there was strike which came in the way.

All these explanations have already been considered by the authorities and rejected. The bona

fide of the defence put up by the petitioner as well as the explanation offered was tested by the authorities. Obviously, it was not found to be satisfactory on closer scrutiny.

Petitioner’s plea of refunding of money is also not honest as is stand of the State counsel. In fact that could be the reason why the respondent authorities have taken a relatively lenient view and imposed punishment of withholding three increments instead of may be even dismissing the petitioner from his service for his indiscretion.

In absence of any legal infirmity in the procedure or the punishment, the writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J.)

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