

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15001 of 2013

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Ramashish Mahto, son of Late Kameshwar Mahto, resident of Village- Monjampur,
P.S.- Bahera, District- Darbhanga

.... Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Finance Department, Govt. Of Bihar, Patna
3. The Secretary, Road Construction Department, Bihar, Patna.
4. The Joint Secretary, Road Construction Department, Bihar, Patna.
5. The Engineer-In-Chief Cum Additional Commissioner Cum Special Secretary,
R.C. Department, Bihar, Patna
6. The Chief Engineer, Road Construction Department, North Bihar Wing,
Darbhanga
7. The Superintending Engineer, Road Construction Department, Road Circle,
Darbhanga
8. The Technical Advisor, Road Construction Department, Road Circle Darbhanga
9. The Deputy Secretary (Vigilance) Road Construction Department, Bihar, Patna.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Ranjan Kumar, Adv.

For the Respondent/s : Mr. Ashish Kumar Lal, A.C. to G.A.-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-11-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is challenging the order
containing Memo No.170 dated 16.01.2001; thereby the order of

stoppage of one annual increment for two years has been passed. The order was not acted upon, but after lapse of long period, order was implemented vide Memo No.548 dated 17.06.2012 and the petitioner has been deprived of one annual increment for two years.

3. Learned counsel for the petitioner submits that the action has been taken by the respondents only because the petitioner has asked the authority to supply his service book and on that account without holding any inquiry or show cause passed the order of punishment.

4. Whereas, learned counsel for the State has disputed the submission of learned counsel for the State and submitted that the petitioner was given show cause and thereafter the minor punishment has been awarded. But, the question is that can a person be punished only because he demanded his service book. The answer is absolutely 'no' as no one can be punished for demanding his service book. Though the petitioner has not challenged the order dated 16.1.2001, this writ petition could have been dismissed only on the ground of delay and laches, but equally the State has also not acted to implement the order of punishment, but the order has been implemented only in the year 2013, that create a cause to the petitioner. The State has taken more

than 12 years for implementing the order which has been passed in the year 2001 itself indicating the manner in which the authorities have acted upon.

5. In such view of the matter, the order containing Memo No.548 dated 16.06.2013 issued by the Superintending Engineer, Road Construction Department, Road Circle, Darbhanga is set aside. The respondent authorities are directed to give all the benefits to the petitioner considering that no order of stoppage of increment has been passed against the petitioner.

6. With the aforesaid observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	28.11.2016
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