

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7116 of 2014

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Bimal Devi @ Bimla Devi, W/O Shambhu Prasad, Resident of Village Barbatta,
P.S. Sonapur, District Saran

.... Petitioner/s

Versus

1. The Chief General Manager, BSNL, Bihar Circle, Patna
2. The General Manager, BSNL, Muzaffarpur
3. The Telecom District Manager, BSNL, Vaishali at Hajipur
4. Ramashary Sharma, S/O Ananti Sharma, T.T.A., BSNL, Vaishali at Hajipur.
Resident of Mohalla- Lichhiwi Nagar, Near Akshara School, Behind Naveen
Cinema Hajipur P.S. Town, District Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. Azeem, Advocate.
Mr. Rajeev Ranjan No.II, Advocate.
Mr. Sunil Kumar, Advocate.
For the Respondent/s : Mr. Sachidanand Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 19-11-2016

Heard learned counsel for the parties.

2. The prayer in the writ application is for a direction to the respondent- Bharat Sanchar Nigam Limited (hereinafter referred to as the 'BSNL') to take appropriate departmental action against the respondent no. 4, who is an employee under it, for having acted in violation of the BSNL Conduct, Discipline and Appeal Rules, 2006 (hereinafter referred to as the 'Rules').

3. Learned counsel for the petitioner submitted that she is the mother-in-law of the daughter of the respondent no. 4 and has



been made accused, along with her son, in a false case, by alleging demand of dowry. Learned counsel submitted that the respondent no. 4 has admitted to paying Rs. 8 lacs as dowry to the petitioner and her son and, thus, giving dowry being an equally punishable conduct, as taking of dowry, particularly under Rule 16 of the Rules, appropriate action is required to be taken by BSNL against him. It was submitted that BSNL is sheltering the respondent no. 4 by not initiating proper departmental proceeding and the Court may direct for the same.

4. Learned counsel for BSNL, referring to his counter affidavit, submits that upon receipt of the complaint of the petitioner, the matter was enquired into by an Enquiry Committee and the committee opined that the complaint has been filed only with a view to counter the case filed by the daughter-in-law of the petitioner and it was not a fit case to initiate formal proceeding against the respondent no. 4.

5. Having considered the rival contentions, the Court does not find any merit in the present writ application. The only relevant provision under the Rules is Rule 16, which reads as under:

“Rule 16. DOWRY

No employee shall-

- (i) give or take or abet the giving or taking of dowry; or,*
- (ii) demand directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.*

Explanation: *For the purpose of this rule, dowry has the same*

meaning as in the Dowry Prohibition Act, 1961 (28 of 1961)."

6. The same only provides that no employee shall give or take or abet the giving or taking of dowry. From the complaint itself, it is obvious that there was a criminal case against the petitioner, filed by the daughter of the respondent no. 4, wherein it has been alleged that the respondent no. 4 is liable to be proceeded against.

7. In the considered opinion of the Court, the stand of the petitioner is self contradictory. On the one side, she vehemently denies that she has taken any money in the marriage of her son with the daughter of the respondent no. 4, meaning thereby that the respondent no. 4 had not given any dowry, whereas, on the other hand, she alleges that the respondent no. 4 should be proceeded for having given dowry. Both pleas cannot be taken simultaneously for the reason, that if dowry has been given, then the respondent no. 4 is liable to be proceeded against under the Rule 16 of the Rules, but on the other hand, if no dowry has been given, as claimed by the petitioner herself, then there is no charge against the respondent no. 4 for giving any dowry. Either way, the complaint filed by the petitioner has been considered by the authorities and not found fit to be proceeded with. Further, even this Court finds that complaint was filed only to save the petitioner from the criminal case filed by the daughter of the respondent no. 4.

8. For the reasons aforesaid, the writ application stands dismissed.

(Ahsanuddin Amanullah, J)

Sujit/-

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CAV DATE	
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