

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.146 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 15259 of 2012

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Satish Kumar Singh Son of Late Jangi Singh Resident of Sadhnapuri, Chapra, P.O.
and P.S. Chapra, District Saran

.... Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department Of Water Resources, Government Of Bihar,
Patna
3. The Deputy Secretary (Management), Department Of Water Resources,
Government Of Bihar, Patna

.... Respondent/s

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Appearance :

For the Appellant : Mr. Nazir Alam with
Mr. L. N. Das, Advocates

For the State : Mr. Gautam Bose, AAG 8 with
Mr. Rohit Mishra, AC to AAG 8

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 13-05-2016

The order dated 08.02.2013 passed by the learned Single Bench in CWJC No. 15259 of 2012 is the subject matter of challenge in the present Letters Patent Appeal.

The learned Single Judge did not interfere with the order of punishment of deduction of 10% pension amount for a period of two years as there was no procedural infirmity in the disciplinary proceeding and that in exercise of power of judicial review the Court will not go into the quantum of punishment.

Learned counsel for the appellant challenges the



imposition of cut off pension on the ground that the same is against the statutory rules. Learned counsel contends that the judgment of the Supreme Court in the case of B.C. Chaturvedi Vs. Union of India & Ors. reported as (1995)6 SCC 749 has been wrongly applied as there was an evidence to record a finding of punishment but in the present case, there is no evidence. Therefore, the order of punishment imposed is not sustainable.

The power of judicial review against the quantum of punishment is well settled. The Court will not substitute the punishment only for the reason that it thinks otherwise. The punishment has to be shockingly disproportionate to the misconduct which alone may confer jurisdiction on the Court to interfere in the quantum of punishment imposed. The order of punishment was passed after conducting of the departmental enquiry. Therefore, the quantum of punishment has rightly not been interfered with by the learned Single Bench.

We do not find that the punishment imposed is shockingly disproportionate to the misconduct. The punishment is stoppage of deduction of cut in pension to the extent of 10% for two years. We do not find that any infirmity which calls for interference in the writ petition and it was accordingly dismissed.

We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar
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