

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8907 of 2014

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Munna Singh, Son of Sri Daya Shankar Singh, Resident of Village – Ishwarpura,
P.S. – Sahpur, District: Bhojpur, at present posted as Clerk Child Development
Project Officer, Chand, District – Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary
2. The Secretary, Social Welfare Department, Bihar, Patna
3. The Director Social Welfare Department, Integrated Child Development
Service (ICDS) Directorate, Bihar.
4. The District Magistrate, Patna.
5. The Deputy Collector, Patna Collectorate, Patna.
6. The District Programme Officer, Social Welfare Department, Patna.
7. The District Programme Officer, Social Welfare Department, Kaimur.
8. The Child Development Project Officer, Patna, Sadar-3, Patna
9. The Child Development Project Officer, Chad, Kaimur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh

For the Respondent/s : Mr. GA11- PARTHA SARTHY

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 25-08-2017

Heard both sides.

2. The petitioner prayed for quashing of the order of the Director, ICDS, Social Welfare Department, Patna as contained in Memo No. 4582 dated 11.12.2012 (Annexure-1). The petitioner further prayed for quashing of the order dated 19.11.2014 contained in Sanchika No. ICDS/10051/2011 passed by the appellate authority, the Secretary, Social Welfare Department, Patna by which he affirmed the order of withholding the increment with non-cumulative effect (Annexure-10).

3. Learned counsel for the petitioner submits that the Minister of



Social Welfare Department inspected the Anganbari centres and after having received complaint inspected the office of the Child Development Project Officer and certain irregularities were found. The following five charges (i) during the course of surprise inspection on 16.08.2011 the petitioner was found negligent in discharging of his duty (ii) during the course of inspection, the petitioner could not be able to produce the logbook (iii) during the course of inspection, the petitioner did not made entry in the register of receipt of letters and it is found that only one letter was entered in the month of July, 2011 (iv) during the course of search in the month of July, 2011 the petitioner received Letter No. 733 dated 20.07.2011, Letter No. 739 dated 20.07.2011, Letter No. 1830 dated 25.07.2011, Letter No. 1947 dated 25.07.2011, Letter No. 1831 dated 25.07.2011, Letter No. 912 dated 29.07.2011 and Letter No. 918 dated 30.07.2011 but, the petitioner did not enter the letters in the receipt register (v) the petitioner was found abysmally negligent in not entering the letters in the receipt register that amounts to act of misplacing the letters. The departmental enquiry was initiated. The enquiry officer submitted its report and found the petitioner guilty for charge no. 2 to 4. Upon receipt of the enquiry report, the disciplinary authority inflicted major punishment against the petitioner.

4. Smt. Kiran Kumari Singh made allegation that in her statement on 16.08.2011 that for getting Take Home Ration she had to deposit Rs. 2000/- in the office and the allegation is made against the petitioner who is a loan clerk working in the office. Punishment was inflicted and the petitioner was placed at the bottom of the scale for four years and no increment was given during this period the petitioner shall not be entitled to get any salary and other allowances save and except the subsistence allowance for the period of his suspension. The



appellate authority dismissed the appeal but modified the punishment and made the degradation of pay scale with non-cumulative effect.

5. Learned counsel for the petitioner assailed the order on the ground that the disciplinary authority did not forward the enquiry report nor asked second show cause. It is further submitted that the enquiry officer submitted enquiry report after conclusion of enquiry on 04.04.2012 but, again the enquiry officer was directed by the Director, ICDS vide his Letter No. 2043 dated 14.06.2012 to hold fresh enquiry but no notice was given to the petitioner. Learned counsel for the petitioner further submits that the appellate authority modified the order of punishment and made the same with non-cumulative effect. The charge no. 2 and 4 were found to be proved and major punishment has been inflicted against the petitioner.

6. The State has filed counter affidavit and submits that second show cause notice after submission of enquiry was asked from the petitioner vide Letter No. 3176 dated 14.09.2012 and the petitioner filed his show cause on 26.09.2012. Learned counsel for the State further submitted that the writ court cannot look into sufficiency of the evidence. The punishment is proportionate to the charge and the appellate authority made the punishment with non-cumulative effect.

7. Having considered the submissions and on perusal of records, I find that the enquiry officer found the four charges leveled against the petitioner proved. Learned counsel for the petitioner could not be able to show any procedural illegality in the departmental enquiry. The disciplinary authority after considering the second show cause of the petitioner inflicted the punishment and placed the petitioner at the bottom of his scale for four years but, the appellate



authority made the punishment with non-cumulative effect. Therefore, I find no good reason to interfere into the order of the appellate authority. In the result, the petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.09.2017
Transmission Date	NA

