

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8524 of 2014

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1. Badri Prasad Sah, Son of Late Muneshwar Prasad Sah, resident of Flat No.302, Hari Priya Apartment, Road No.6 - C, Rajendra Nagar, Patna - 16, P.S. Kadamkuan, District - Patna, at present Posted as Technical Assistant to Superintending Engineer, Public Works Department, Works Circle, Chapra, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Works Department, Bihar, Patna
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna
3. The Additional Secretary, Department of Rural Works, Government of Bihar, Patna
4. The Joint Secretary, Rural Works Department, Government of Bihar, Patna
5. The Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amitesh Kumar

For the Respondent/s : Mr. Devendra Kr Sinha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

6 03-11-2017 Heard both sides.

The petitioner by filing this writ petition seeks quashing of notification No.1424 dated 12.04.2013 issued under the signature of Joint Secretary, Rural Works Department, Govt. of Bihar, Annexure-6 by which following minor punishments were inflicted: (i) two increments with non-cumulative effect was stopped and (ii) the petitioner was censured which was made effective for three years i.e. from 2013 to 2016.

The brief facts which is relevant for disposal of this



writ petition is that while the petitioner was posted as Executive Engineer, Rural Works Department, Works Division, Katihar, the petitioner was served with a memo of charge, Annexure-4. The petitioner committed negligence in discharge of his duty in compliance of the order of the superior authority as well as the order dated 12.04.2010 of the High Court passed in CWJC No.2281 of 2006(Ram Ekbal Singh v. The State of Bihar & Others). On account of the non-compliance of the aforesaid order due to negligence of the petitioner, M.J.C. No.672 of 2012 was filed and the Principal Secretary was directed to appear in person in Court for compliance of the order dated 12.04.2010 passed in C.W.J.C. No.2281 of 2006. The petitioner filed his show cause, Annexure-5 and thereafter the disciplinary authority inflicted the minor punishments stated aforesaid. The petitioner preferred appeal but the appeal of the petitioner was also dismissed and the same was communicated to the petitioner vide letter as contained in Memo No.3708 dated 08.10.2013.

The learned counsel for the petitioner submits that of course, the petitioner has been inflicted with minor punishments of stoppage of two increments with non-cumulative effect and censure of three years but the procedure as contained in Rule 19 of the C.C.A. Rules, 2005 has not been followed. The disciplinary



authority did not give any proposal about the proposed punishment but I find no force in the submission of the learned counsel for the petitioner on the simple ground that after perusal of the memo of charges, it appears that petitioner was charged for committing negligence and disobedience in discharge of his official duty and in compliance of the order of his superior authority as well as the order of the High Court in C.W.J.C. No.2281 of 2006 passed on 12.04.2010. The petitioner filed his show cause, Annexure-5 and on bare perusal of Annexure-5, it appears that petitioner has not controverted or denied any charges of his negligence and disobedience and almost admitted the charges. On perusal of the show cause of the petitioner, the disciplinary authority simply inflicted minor punishment for which no full fledged enquiry is required to be held under Rule 17 of the C.C.A. Rules, 2005.

Considering the fact aforesaid, I do not find any good reason to interfere in the order of the disciplinary authority as well as the appellate authority.

Accordingly, the writ petition is dismissed.

(Prabhat Kumar Jha, J)

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