

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.566 of 2016
IN
Civil Writ Jurisdiction Case No. 11940 of 1998**

- =====
1. The Bihar State Financial Corporation, Fraser Road, Patna through its Managing Director.
 2. The Board of Directors of Bihar State Financial Corporation, through its Chairman, Fraser Road, Patna.
 3. Managing Director, Bihar State Financial Corporation, Fraser Road, Patna.

.... Appellant/s

Versus

1. Arbind Jha, S/o Late Nokhe Lal Jha, retired manager of Bihar State Financial Corporation, at present residing at M1-4/13, Road No. 11, Rajendra Nagar, P.S. Kadamkuan, District- Patna.
2. Ashok Kumar Singh, I.A.S. at present working as Member (Finance), Bihar, State Electricity Board, Vidyut Bhawan, Bailey Road , Patna.
3. S.K. Mishra I.A.S., Collector, Sheohar, at P.S. and District Sheohar (the then Officer on Special Duty in Bihar State Financial Corporation-cum- Enquiry Officer in the department proceeding of the Respondent 1st Set).

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Nikhil Kumar Agrawal. Advocate
For the Respondent/s	:	Mrs. Namrata Mishra, Advocate Smt. Archana Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 12-07-2017

Having heard learned counsel for the parties at length and on going through the detailed order, more than 21 pages, passed by the learned Writ Court, indicating various reasons as to why the departmental enquiry conducted by the Department in question is vitiated, we see no reason to make any indulgence in the matter.



Therefore, with regard to merits of the interference made by the Court and the consequential order of punishment, no interference is called for. However, having quashed the punishment order the learned Writ Court committed an error in awarding interest at the rate of 6% on the amount recovered after enquiry. The award of interest at the rate of 6% on the amount recovered was not warranted in the facts and circumstances.

Accordingly, we uphold the order insofar as it quashes the order of punishment, but the same is set aside with regard to award of interest. The appeal stands allowed in part.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
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