

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.578 of 2016
IN
Civil Writ Jurisdiction Case No. 16842 of 2007**

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Tej Narayan Yadav son of Hit Lal Yadav, resident of village and P.O. Shirniya Via Laheriya Sarai, P.S.- Ashok Paper Mill, Block Hayaghat, District Darbhanga at present posted at Kiratpur Block District- Darbhanga

.... Appellant/s

Versus

1. The State of Bihar
2. The Commissioner, Darbhanga Division, Darbhanga,
3. The District Magistrate, Darbhanga
4. The Deputy Development Commissioner, Darbhanga
5. The District Panchayat Officer, Darbhanga
6. The Block Development Officer, Singhwara, District- Darbhanga
7. The Block Education Officer, Benipur, Dist.- Darbhanga

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ram Bali Jha, Advocate

For the Respondent/s : Mr. Partha Sarthi, GA-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-04-2017

Seeking exception to an order dated 21.07.2015 passed by the learned Writ Court in C.W.J.C. No.16842 of 2007, this appeal has been filed under Clause 10 of the Letters Patent.

There being a delay of 187 days in filing of the appeal, I.A. No.2574 of 2016 has been filed seeking condonation of delay and the delay is sought to be condoned on account of the fact that the Counsel did not inform the petitioner about decision in the writ petition.



Taking note of the aforesaid, the delay in filing the appeal is condoned and I.A. No.2574 of 2016 disposed.

As far merit of the matter is concerned, petitioner was working as Panchayat Sevak and on account of certain acts of commission and omission conducted by him, a charge sheet was issued to him. A departmental enquiry was conducted and in the departmental enquiry the allegations levelled in the charge sheet was found to be proved. Based on the aforesaid, the punishment of stoppage of two increments with cumulative effect was imposed upon him and thereafter he challenged the same before the Writ Court. The Writ Court took note of various aspect of the matter and found that misconduct alleged against the petitioner was found to be proved and the disciplinary authority disagreeing with the finding of the enquiry officer after issuing show cause notice recorded specific finding, which goes to show that the petitioner himself having deposited a sum of Rs.7200/- in the Bank account. Thus the allegation of misappropriation of this amount by him is found to have been established.

In para 15 of the order passed by the learned Writ Court, the finding recorded by the disciplinary authority has been taken note of and it is found that the petitioner having misused the contingency fund of Rs.7200/-, thereafter on his own after more than 9 months



deposited it in the Bank, the allegations are found to be proved and did not interfere into the matter.

Nothing has been brought to our notice, on the basis of which it can be said that the finding recorded by the disciplinary authority and the concurrence to the same by the learned Writ Court as recorded in para 15 onward is perverse, illegal or contrary to the material on record. The concurrent findings recorded by the disciplinary authority, the Appellate Court and the Writ Court being based on due appreciation of the material available on record does not call for any interference.

We find no reason to make any indulgence into the matter. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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