

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.872 of 2016
IN
Civil Writ Jurisdiction Case No. 8639 of 1999**

=====

Manju Devi, W/o Late Bishwanath Prasad Yadav, Resident of Village- Beur P.O. Hussanabad, District Balia, at present residing at Mundrika Ram Janta Road, Amrudi Bagicha, P.S. Gardanibagh, P.O.- G.P.O., District- Patna.

.... Appellant/s

Versus

1. The Managing Director, Bihar State Tourism Development Corporation, Patna.
2. The Inquiry Officer, Bihar State Tourism Development Corporation, Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Y. Madhavi, Advocate

For the Respondent/s :

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-06-2017

Re.: Interlocutory Application No.6761 of 2016

The delay in filing of this Appeal is condoned.

Interlocutory application stands disposed of.

Re. : Letters Patent Appeal No.872 of 2016

Seeking exception to an order dated 11.08.2015 passed by the Writ Court in CWJC No.8639 of 1999, this appeal has been filed under Clause 10 of the Letters Patent.

Petitioner was working in the Bihar State Tourism Development Corporation (hereinafter referred to as 'the Corporation'). Serious charges were levelled against him and it was found that while working as a driver, he unauthorisedly occupied a hotel room run by the Corporation, intruded into the privacy of a



guest occupying the adjacent room and committed certain acts which was unbecoming of an employee. A departmental enquiry was conducted and punishment for removal from service was imposed upon him vide order dated 29.08.1995.

This was challenged by the petitioner in CWJC No.4989 of 1996 and by a detailed order passed on 17.04.1997, the learned Writ Court found that proper action has been taken against the petitioner and an enquiry in accordance with law after following the principles of natural justice has been conducted and no interference into the same was called for. However, as the question of punishment was also challenged in the writ petition, the Writ Court directed the Managing Director of the Corporation to look into the question of propriety of punishment and take a decision. The Managing Director having rejected the claim for review of the quantum of punishment, the writ petition in question was filed and the Writ Court having held that the prerogative of the disciplinary authority in imposing the punishment cannot be interfered with, dismissed the writ petition and, therefore, this appeal.

As far as question of imposition of punishment is concerned, the learned Writ Court has evaluated the matter in its right perspective and has come to the conclusion that based on the nature of misconduct committed by the petitioner; the disciplinary authority having exercised its discretion, the prerogative of the



disciplinary authority cannot be interfered with. In doing so, we are of the considered view that the learned Writ Court has not committed any error warranting reconsideration.

The question of imposition of punishment is purely within the domain of the disciplinary authority and a Court exercising the jurisdiction under Article 226 of the Constitution can interfere with the quantum of punishment only if the imposition of punishment is found to be arbitrary in nature and the punishment imposed is found to be highly disproportionate shocking the conscience of the Court. In the present case, looking into the nature of misconduct committed by the petitioner, once the disciplinary authority or the Writ Court have exercised that discretion and found no exonerating circumstances to make any indulgence into the matter, we also see no reason to make any further indulgence into the matter. The appeal is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.06.2017
Transmission Date	

