

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7699 of 2014

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Waseem Uddin Ahmed, S/o Late Rafiuddin, resident of Sehat Kuan, P.O.
and P.S. Hilsa, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Old Secretariat Building, Patna
2. The Secretary cum Inspector General of Registration, Bihar, Patna
3. The District Magistrate, Munger
4. The District Sub Registrar, Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan

For the Respondent/s : Mr. Amar Nath Deo

Ms. P.Sharma, AC to SC 25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 27-07-2017 Heard both sides.

The petitioner is aggrieved by the order dated 03.05.2011, contained in Memo no. 1326, issued under the signature of the Inspector General of Registration, Bihar, Patna by which the petitioner was found guilty of disobedience and two increments with non-cumulative effect was ordered to stop.

The respondents filed counter affidavit wherein it is submitted that there is no illegality in the finding of the departmental enquiry. The petitioner is visited with the minor punishment and in absence of any procedural error or illegality, the Writ Court should not interfere with the finding of the



Disciplinary Authority.

Learned counsel for petitioner assailed the said order on the ground that the petitioner could not appear before the District Sub Registrar, Munger on 26.03.2009 and 24.04.2009 on account of mourning in his family and there was general parliamentary election.

The District Sub Registrar, Munger informed the petitioner along with other persons to appear before him on 21.03.2009 at 11:00 A.M., for holding an enquiry on allegation of Chandra Kishore Khetan that he did not execute any sale deed, vide Deed No. 3247 of 2005, and the deed writer got a forged deed executed. The petitioner was asked to appear with the relevant documents. When the petitioner did not appear in spite of several reminders, a department enquiry was initiated against him and the Inspector of Registrar was made Enquiry Officer. Three charges were framed against the petitioner, but the Enquiry Officer did not find the materials against the petitioner on two charges with regard to interpolation in the deed and his involvement in execution of forged deed, but charge no. 2 against the petitioner with regard to disobedience was proved as the petitioner, in spite of several reminders by the higher authority, did not participate in the preliminary enquiry, nor produced relevant documents and thereby



he committed disobedience. The Disciplinary Authority agreeing with the finding of the Enquiry officer, inflicted minor punishment and ordered for stoppage of two increments with non-cumulative effect.

It is evident that the petitioner did not only participate in the preliminary enquiry only two dates but the petitioner never appeared before the officer holding preliminary enquiry nor produced relevant documents. Only thereafter departmental enquiry was held and petitioner appeared and participated in the inquiry. The Enquiry Officer found the petitioner guilty of disobedience and the disciplinary authority only inflicted minor punishment. The learned counsel could not be able to show any procedural illegality in departmental enquiry. Unless illegality is shown, the writ Court should not interfere in the finding of the disciplinary authority.

Having considered the discussion made above, I do not find any merit and the writ petition is dismissed.

(Prabhat Kumar Jha, J)

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