

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.10639 of 2003

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- 1(i) Asha Lata Singh, w/o late Ram Ratan Singh  
(ii) Rajesh Kr. Singh, s/o late Ram Ratan Singh  
(iii) Naresh Mohan Singh, s/o late Ram Ratan Singh  
(iv) Indra Mohan, s/o late Ram Ratan Singh  
(v) Keshar Murti Singh, s/o late Ram Ratan Singh

All are residing at Vachaspati Nagar, PO- Mahendru, PS-Bahadurpur, Dist-Patna

.... .... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation through its managing Director, Son Bhawan, Patna  
2. Managing Director, Bihar State Food & Civil Supplies Corporation, Head office-Son Bhawan, Birchand Patel Path, Bihar, Patna  
3. Chief Administrative Officer, Bihar State Food & Civil Supplies Corporation, Head office-Son Bhawan, Birchand Patel Path, Bihar, Patna  
4. Chief Administrator-cum-conducting officer, Bihar State Food & Civil Supplies Corporation, Head office-Son Bhawan, Birchand Patel Path, Bihar, Patna

.... .... Respondent/s

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#### Appearance :

For the Petitioner/s : Mr. Anand Kumar Singh  
For the Respondent/s : Mr. Rama Shankar Pradhan  
Mr. Rajesh Prasad Choudhary  
Mr. Mukesh Kumar Thakur  
Mr. Vikas Kumar  
Mr. Vipin Kumar

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

ORAL JUDGMENT

**Date: 31-08-2018**

1. The present writ application has been filed for quashing the order of punishment dated 25.08.2003.

2. The brief facts of the case are that a departmental proceeding was initiated against the original petitioner on the allegation of remaining absent from duties in an unauthorized manner, dereliction of duty and committing misappropriation as far as the various stores where the petitioner is said to have been posted are



concerned as also causing loss to the Corporation. The Enquiry Officer had conducted enquiry and submitted his enquiry report, whereby and whereunder most of the allegations were found to be correct and he had come to a conclusion that the allegation of the petitioner being absent in an unauthorized manner and causing loss as well as indulging in misappropriation with regard to the Giridih and Ranchi Districts as also allegation of inappropriate work is proved, however as far as the Bhagalpur District is concerned, the allegation of committing misappropriation of the food grains was not proved. The disciplinary authority had given a second show cause notice dated 22.07.2003 and thereafter the order of punishment was passed which is dated 25.08.2003, after considering the reply of the petitioner herein.

3. The learned counsel for the petitioner has submitted that since all the charges have not been found to be proved, it was incumbent upon the disciplinary authority to give reasons for differing with the opinion of the Enquiry Officer and without doing so, the order of punishment dated 25.08.2003 could not have been passed, hence the same is illegal. Reference in this regard has been drawn to a judgment of the Hon'ble Apex Court reported in (1998) 7 SCC 84 (*Punjab National Bank v. Kunj Bihari Mishra*). It has been next contended that only because the petitioner had approached this Court for challenging the order of suspension and this



Court had directed for concluding the disciplinary proceeding within a period of 02 months, the disciplinary authority has hurriedly, without application of mind, passed the order of punishment dated 25.08.2003, hence the same is illegal.

4. Heard the learned counsel for the petitioner and perused the materials available on record. I find that the charges which have been found to be proved by the disciplinary authority, are in itself sufficient to warrant infliction of punishment order dated 25.08.2003. I further find that there is no allegation of any procedural irregularity in conduct of the disciplinary proceeding which is also apparent from the records.

5. Hence I do not find any merit in the present writ petition, thus the same is dismissed.

**(Mohit Kumar Shah, J)**

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 04.09.2018 |
| Transmission Date | NA         |

