

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20851 of 2010

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SANTOSH KUMAR @ SANTOSH KUMAR JHA S/O LATE KHUSI NATH
JHA RESIDENT OF VILLAGE: HARARI, P.S. BIDPUR, DISTT.
MADHUBANI, PRESENTLY POSTED AS CLERK IN THE OFFICE OF
DISTRICT MINES OFFICE, SAHARSA

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Mines Minister, Govt. Of Bihar, Patna
3. The Additional Secretary Mines & Geology Department, Govt. Of Bihar
4. The Director, Mines & Geology Department, Govt. Of Bihar, Patna
5. The Assistant Director, Mines Department, Govt. Of Bihar, Patna
6. The Deputy Director, Munger Anchal, Munger
7. The Mines Inspector, District Mines Office, Motihari
8. Sri Ashok Kr. Verma, Assistant Director Cum Officer, Presently Posted In
Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pandey
For the Respondent/s	:	Mr. S.K. Mandal, SC-3
		Ms. Neelam Kumari, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 13-07-2018

The petitioner by way of the present writ petition has
prayed for quashing the appellate order dated 19.03.2008.

The short facts of the case are that charges were framed
against the petitioner for him coming to the office in drunken
condition and misbehaving with the senior officials apart from
other charges having been levelled vide order dated 04.06.2005.
Thereafter, departmental proceeding was conducted and all the
charges were found to have been proved. The competent
authority had then passed the order of punishment dated
01.02.2007 dismissing the petitioner from the service. However,



the petitioner had then filed an appeal which was considered sympathetically and the order of dismissal dated 01.02.2007 was quashed and a fresh order dated 19.03.2008 imposing punishment of withholding of two increments with non-cumulative effect and directing for non-payment of anything else apart from the subsistence allowance during the period of suspension was passed. It was further directed that the petitioner shall not be given any important assignment for the next three years.

I have heard the learned counsel for the parties and perused the materials on record and I find that the Respondents have been more than lenient in the present case, and there has been no procedural irregularity, as far as conduct of the departmental proceeding is concerned apart from the fact that charges have been proved against the petitioner, hence, the appellate order dated 19.03.2008 does not need any interference. Accordingly, the present writ petition is dismissed.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24-07-2018
Transmission Date	NA

