

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14271 of 2010

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Upendra Prasad Singh S/O Late Ram Bahadur Singh Vill.- Ghosaith, (Ram Nagar),
P.S.- Piri Bazar, Distt.- Lakhisarai

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Home (Special)
Department, Government Of Bihar, Patna-15
2. The Inspector General Of Prisons, Bihar, Patna-15
3. The Superintendent, Central Jail, Bhagalpur
4. The Superintendent, District Jail, Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. BRAJ NANDAN TIWARY

For the Respondent/s : Mr. Ashok Kumar Gupta, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 27-07-2018

The present writ petition has been filed for quashing the order of punishment dated 03.05.2007 whereby two increments of the petitioner has been directed to be withheld with cumulative effect and it has been directed that the petitioner would not be paid any salary apart from the subsistence allowance for the period of suspension.

2. The present case arises out of a serious allegation of an under trial prison having escaped from the jail custody on 20.10.2004 while the petitioner was on duty as a Jail Warder.

3. The departmental proceeding was initiated against the petitioner and two other persons and the enquiry officer came to the conclusion that the allegations levelled against the petitioner have



been proved beyond any doubt inasmuch as the prisoner had walked out of the jail in presence of the petitioner. Thereafter, the disciplinary authority had given a second show cause notice to the petitioner herein and then the order of punishment dated 03.05.2007 has been passed.

4. The learned counsel for the petitioner has submitted that the allegation of a prisoner having escaped from the jail has not been proved and moreover the petitioner has not been supplied with the enquiry report, hence the entire proceedings are vitiated.

5. Per contra, the learned counsel for the respondents has submitted that no irregularity has been pointed out by the petitioner so as to vitiate the entire disciplinary proceeding.

6. I have heard the learned counsel for the parties and gone through the record of the case and I find that admittedly the prisoner had escaped from the jail at the time the petitioner was posted as Jail Warder. The petitioner has failed to show as to what prejudice has been caused to him on account of non supply of the enquiry report. In view of the admitted fact that there was dereliction of duty on the part of the petitioner, resulting in prisoner escaping from jail, I find that there has been no laches on the part of the disciplinary authority while conducting the disciplinary proceedings against the petitioner, hence there is no reason as to why this Court should interfere in the order of



punishment dated 03.05.2007.

7. For the reasons mentioned herein above, the present writ petition is devoid of any merit, hence the same is dismissed.

(Mohit Kumar Shah, J)

BTiwary/Md. Rashid

AFR/NAFR	NAFR
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