

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1124 of 2017

In

Civil Writ Jurisdiction Case No. 2668 of 2014

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1. The State of Bihar through the Principal Secretary, General Administration Department, Old Secretariat, Patna.
 2. The Accountant General, Bihar, Patna.
 3. The Commissioner, Tirhut Division, Muzaffarpur.
 4. The District Magistrate, Madhubani.
 5. The Additional Collector, Madhubani.
 6. The Sub- Divisional Officer, Phulparas, District- Muzaffarpur.
 7. The Block Supply Officer, Khutauna, District- Muzaffarpur.
 8. The Circle Officer, Khutauna, District- Madhubani.

.... Appellant/s

Versus

1. Ram Udgar Mahto, S/o Late Dular Chand Mahto, Resident of House No. 67, New Bye Pass Road, Near Anishabad Telephone Exchange, P.S.- Beur, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prakritita Sharma

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 14-03-2018 In the matter of imposition of penalty after the retirement of the respondent employee under Rule 43 (b) of the Bihar Pension Rules and directing for deduction pension of 50 per cent, the learned writ Court in the impugned order interfered with the matter on the ground that after the enquiry officer and initially exonerated the delinquent employee of the charges leveled against him at the first instance, the disciplinary authority remanded the matter back to further enquiry. On further enquiry again a finding was recorded exonerating the charges labelled against him but the finding of the disciplinary



authority was recorded uniformly without granting opportunity to the petitioner and without recording a finding of de-settlement in accordance with the requirement of law and the procedure contemplated under Rule 18(3) of the Statutory Rule. Accordingly, the independent finding recorded by the disciplinary authority to be not in accordance with law, the learned writ Court has interfered into the matter.

In our considered view, in doing so, the learned writ Court has not committed any error to the finding of exoneration granted by the enquiry officer is well settled law laid down in the case of Kunj Bihar Vs. Punjab National Bank (1998) 7 SCC 84 and again followed in the case of S. P. Malhotra Vs. Punjab National Bank (2013) 7 SCC 251 and the impugned order passed by the learned writ Court is in accordance with law as indicated hereinabove.

We see no reason to interfere with in the matter. Accordingly, this Appeal is dismissed.

(Rajendra Menon, CJ)

Sanjeev/-

(Rajeev Ranjan Prasad, J)

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