

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3178 of 2017

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Bishnudeo Singh Son of Bhola Singh, R/o Village-Chatur Chak, PO-Udhadih,
P.S.-Sultanganj, District-Bhagalpur, At Present Working as Assitant Electric
Engineer, Electric Supply Sub-Division, Sultanganj, District-Bhagalpur

... .. Petitioner/s

Versus

1. The South Bihar Power Distribution Company Ltd. Electricity Building,
Bailey Road, Patna through its Managing Director.
2. The Chairman-cum-Managing Director, South Bihar Power Distribution
Company Ltd. Electricity Building, Bailey Road, Patna
3. The Joint Secretary, South Bihar Power Distribution Company Ltd. Electricity
Building. Bailey Road, Patna
4. The General Manager (Human Resources/ Administration) South Bihar
Power Distribution Company Ltd. Electricity Building, Bailey Road, Patna.
5. The Superintendent Engineer, Pole-cum-Enquiry Officer, South Bihar Power
Distribution Company Ltd. Electricity Building, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Adv. Mr. Dhananjay Kumar Gupta, Adv. Mr. Deepak Kumar, Adv.
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Adv. Mr. Vijay Kr. Verma, Adv. Mr. Akhileshwar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 01-08-2018

Heard learned counsel for the petitioner and counsel for
the South Bihar Power Development Corporation Limited.

The petitioner was posted as Assistant Electrical
Engineer for the period 13.3.2007 to 2.3.2009. The electrification
was done in the Sri Santlal Tola and the village was energized in
the year 2006. At the initial stage, 63 K.V.A. transformer was
mounted, at the time of inspection, the transformer was found of
100 K.V.A. and, for the first time, the regular bill was raised in the



year 2011. This fact surfaced when a complaint was made by Sunil Kumar making a statement that the resident of Santlal Tola were utilizing the electric power without payment of electric bill whereas they were paying electric bill of a considerable amount and the people of locality were utilizing the power under the protection of the Electricity Department and they were paying certain amount to them through the middle man, namely, Mr. Vinod Das at the rate of 50 Rs. Per month whereas the persons of adjacent area who were consumer were paying the bill 2.5 times more and further allegation was made that the S.D.O. and the Assistant Engineer after having taken Rs. 36,000/- through Vinod Das had raised the bill of one month only to all consumer causing heavy loss to the then Electricity Board. When this fact was taken cognizance by the authority, six persons were posted during that period were proceeded departmentally.

During argument, learned counsel for the petitioner submits that he was posted there for a very short period and others were posted for a longer period having been not proceeded and no punishment was awarded to them but, today, a supplementary counter affidavit has been filed wherein it has been stated that altogether six persons, who were posted there from time to time, were proceeded and punishment has been awarded to them.



He has further submitted that after completion of enquiry, three persons having been awarded the stoppage of one increment with non-cumulative effect, fourth person has been awarded stoppage of two increment with non-cumulative effect, fifth person was given punishment of censure and sixth person has been awarded punishment of reduction of pension by 2% and the petitioner has been awarded the punishment of stoppage of one increment with cumulative effect.

Learned counsel for the petitioner submits that all the persons are standing on the similar pedestal so, there should be uniformity in awarding the punishment against all the persons involved in the commission of misconduct.

Learned counsel for the S.B.P.C.L. has submitted that the petitioner was holding the post of Assistant Engineer for a longer period and, as such, he has been awarded punishment of one increment with cumulative effect.

Having considered the rival contentions of the parties, the petitioner was there for about two years and, for the rest time, other Engineers served the Bihar State Electricity Board and there should not be any difference and distinction while awarding the punishment to other Assistant Engineers. Admittedly, in the present case, other colleagues of the petitioner has been awarded



the punishment of one increment with non-cumulative effect and, as such, there should be equality in passing the order of punishment also. Reliance can be placed in the case of State of Uttar Pradesh and Ors. v. Raj Pal Singh reported in (2010) 5 SCC 783 where the Court has held that the authority should also maintain equality in the matter of punishment.

Accordingly, the order of punishment dated 12.09.2016 is quashed and the matter is remanded back to pass a fresh order identical to the other employees.

In the result, this writ application stands allowed to the extent indicated above.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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