

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2351 of 2018

In
Civil Writ Jurisdiction Case No.12934 of 2014

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Nirankar Prasad Singh son of Late Kameshwar Prasad Singh, resident of
village- Sardiha, P.S.- Simri Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Water Resources, Government of Bihar, Patna, Namely Sri Arun Kumar Singh.
2. Sri Arun Kumar Singh, Principal Secretary, Department of Water Resources, Govt. of Bihar, Patna
3. Sri Arun Kumar Singh, The Commissioner-cum-Secretary, Water Resources Department, Government of Bihar, Patna
4. Sri Gorakh Nath, Director, Water Resources Department, Government of Bihar, Patna
5. Sri Vishwa Mohan Jha, The Land Acquisition Officer-cum-Conducting Officer, Koshi Pariyojana, Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat
For the Respondent/s : Mr.Vinay Kirti Singh - Ga 2

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 19-12-2018

Heard parties.

The present contempt petition has been filed for initiating contempt proceedings against contemnors-opposite parties for deliberate and willful violation of order dated 29.01.2018 passed in CWJC No. 12934 of 2014 by which the matter was remitted to the Opposite Party No. 2 to reconsider the quantum of punishment imposed on petitioner in terms of order dated 06.08.2010 passed in CWJC No. 3181 of 2010.

A show cause has been filed on behalf of opposite



parties in which it has been stated that in compliance of order under contempt, Opposite Party No. 2 reconsidered the matter with respect to the quantum of punishment and has cancelled the earlier order of dismissal from service imposed against petitioner vide order as contained in Memo No. 949 dated 18.07.2018 and has passed fresh order dated 18.07.2018 as contained in Annexure-A of the show cause by which by fresh order with following punishment has been imposed upon the petitioner:-

(i) That period of dismissal from service till the date of superannuation is notionally treated as service period and the petitioner will be paid full pension and 40% gratuity.

(ii) The aforesaid period will be taken into account for pension purposes but salary and the amount in lieu of the unutilized earned leave for the said period will not be paid to the petitioner.

A reply to show cause has been filed by the petitioner in which it has been stated that similarly placed employee Prithvi Chandra Choudhary was awarded punishment of deduction of five per cent pension for a period of five years whereas in case of petitioner although there is direction of payment of full pension but only 40 per cent of gratuity has been ordered to be paid and nothing is to be paid for the period from the date of dismissal till the date of superannuation.



After hearing the parties and considering the show cause filed on behalf of opposite parties and order passed by Opposite Party No. 2 as contained in Annexure-A, this Court is satisfied that Opposite Parties have complied the order passed by a Bench of this Court and as such there is no reason to keep the present matter pending. As far as quantum of punishment is concerned, it is the exclusive prerogative of the disciplinary authority to pass order of punishment in respect of delinquent considering the gravity of misconduct and the responsibility and role in the alleged misconduct of each delinquent.

Accordingly, the present contempt petition is disposed of.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.01.2019
Transmission Date	N.A

