

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.381 of 2019

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Gopi Nath Jha, son of Late Chiranjiv Jha, Residents of Village: Dhankaul,
P.S:Piparhi, District:Sheohar.

... .. Petitioner/s

Versus

- 1.The State Of Bihar, through Secretary Revenue and Land Reforms,
Government of Bihar, Patna.
- 2.The Collector, Sitamarhi.
- 3.The District Establishment Deputy Collector, Sitamarhi.
- 4.The Sub-Divisional Officer, Piprahi, District:Sitamarhi.
- 5.The District Certificate Officer, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Aditya Nath Jha
For the Respondent/s	:	Mr.Rishi Raj Sinha- Sc19

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-01-2019 Learned counsel for the petitioner submits that pursuant to the liberty granted to the petitioner vide Order dated 24.06.2011 passed in CWJC No. 582 of 2009, the petitioner has submitted his representation before the Collector on 19.07.2011 which is still pending for adjudication. A statement to this effect has been made in Paragraph 13 of the writ application.

Learned counsel further submits that on the one hand the Disciplinary Authority has not considered and passed an appropriate order in terms of the direction of the learned writ Court in CWJC No. 582 of 2009, at the same time, a certificate proceeding has been initiated against the petitioner at this stage calling upon him to pay a sum of Rs.15,25,741/-. It appears that



requisition for initiation of the certificate proceeding has been submitted on 18.08.2018 without taking care of the fact that the learned writ Court had passed a specific order whereunder the Disciplinary Authority had to consider the case of the petitioner on the question of quantum of punishment on the given grounds.

Learned counsel for the State is present.

It is submitted that the requisition for initiation of the certificate proceeding has been sent by the Sub-Divisional Officer in view of the order of punishment passed against the petitioner in the disciplinary proceeding.

After hearing learned counsel for the parties and on perusal of the records, this Court finds that one of the contentions of the petitioner before the learned writ Court was that the Head Clerk on whose direction payment was released by the petitioner has been punished by withholding half of his pension only. It is for this reason when a plea of discrimination was raised before the learned writ Court, the learned writ Court was persuaded to give liberty to the petitioner to represent before the Disciplinary Authority limited to the question of quantum of punishment on the allegation of discrimination with supporting materials and then the Disciplinary Authority was directed to grant a personal hearing to the petitioner and pass a



reasoned and speaking order within a maximum period of six weeks from the date of receipt and or presentation of such application.

In the opinion of this Court, the order dated 24.06.2011 is crystal clear to the extent that the question of quantum of punishment is required to be considered on the given ground. Even before taking a decision on the quantum of punishment of the petitioner, it would not be just and proper on the part of the Sub-Divisional Officer to send a requisition to initiate a certificate proceeding for recovery of Rs.15,25,741/- from the petitioner. The circumstances stated hereinabove would persuade this Court to stay further proceeding in Certificate Case No. 9 of 2018-19 pending before the District Certificate Officer, Sitamarhi, till such time, a decision of the Disciplinary Authority is not communicated to him. The proceeding is accordingly stayed.

This writ application stands disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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