

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14127 of 2014

1. Mithilesh Devi, wife of Raj Kishore Singh
2. Neeraj Kumar
3. Navin Kumar
4. Niramjan Kumar, sons of Raj Kishore Singh
5. Neelam Kumari, daughter of Raj Kishore Singh
resident of Mohalla - New Puranderpur, Near Dopulwa, Shiho Bhawan, 1st
Floor, Dr. Janardan Singh Lane, P.S. Jakkanpur, Patna.

... .. Petitioners

Versus

1. The Bihar State Power Holding Company Ltd. Through its Chairman cum Managing Director Vidyut Bhawan Bailey Road Patna
2. The Managing Director, South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna
3. The General Manager Human Resources Administration, South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh
For the Respondent/s : Mr. Akhileshwar Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-08-2019 I.A. No. 4516 of 2017 has been filed seeking substitution of wife and legal heirs of original petitioner on account of demise of original petitioner on 6.11.2016. The same is allowed. Let name of legal heirs as per details in para 3 and 4 of the I.A. be substituted in place of original petitioner.

The writ petition has been filed challenging order dated 18.7.2014 passed by appellate authority on the petitioner's appeal preferred against the order of punishment dated 13.2.1998 whereby punishment of withholding of two increments was awarded to the petitioner in the departmental proceedings.

The facts on record make it clear that punishment dated 13.2.1998 was assailed by appeal filed on 26.3.2014. The claim in the appeal of the petitioner was for reconsidering punishment awarded on 13.2.1998 having regard to petitioner's acquittal in



Vigilance PS Case No. 3 of 1990. The appellate authority has considered petitioner's claim. Vigilance PS Case was arising out of charge alleging that the petitioner has misused his official capacity and colluded with the contractors for undue gains. The punishment in the departmental proceeding, on the other hand, was on account of the petitioner's unauthorised absence. Taking note of these facts, the appellate authority has rejected the appeal by assigning reasons that since the criminal proceedings were in relation to different charge altogether, the petitioner could not claim any benefit of acquittal in respect of punishment awarded in the departmental proceeding.

The order of the appellate authority is prima facie correct. The petitioner cannot be permitted to derive any benefit on account of his acquittal in criminal proceedings, wherein the allegations against him were different from that for which he was proceeded against departmentally.

The claim of the petitioner in the writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

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