

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.560 of 2018

In
Civil Writ Jurisdiction Case No.5471 of 2017

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Sumant Prasad, son of Late Chandrama Prasad, Ex-Incharge Records Room,
District Registration Office, Bhojpur, Ara, at present residing at New Bus
Stand, Sital Road, Police Station Ara, District Bhojpur at Ara.

... .. Appellant/s

Versus

1. The State of Bihar through the Inspector General, Registration,
Government of Bihar, Patna.
2. The Deputy Registrar, Registration Department, Government of Bihar,
Patna.
3. The Assistant Inspector General, Registration-cum-Inquiry Officer, Patna
Division, Patna.
4. The District Additional Registrar, Bhojpur, Ara.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shivendra Kumar Sinha, Advocate Mr. Ranjeet Patel, Advocate
For the Respondent/s	:	Mr. Manish Kumar, A.C. to AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 19-06-2019 Heard learned counsel for the appellant and perused
the records.

The contention raised is that it was the person who
was working along with the appellant, namely, Hasmat Hussain,
who had actually performed the work and therefore the charge
of tampering of the records by the appellant is unfounded
without even taking into account the defence set up by the
appellant about his impaired vision.



Learned counsel submits that as a matter of fact, the enquiry proceedings could have been conducted in a manner so as to find out about the actual status of the eyesight of the appellant and in these circumstances, without ascertaining the same, the conclusion arrived at for deducting 3% pension is based on no evidence. Learned counsel therefore submits that the punishment order as upheld by the learned single Judge deserves to be set aside.

Having considered the submissions raised and having perused the documents which have been placed on record, there is nothing to establish that the vision of the appellant was so impaired that he was unable to decipher any document. The appellant has admitted his signatures on the documents. In such circumstances, any such plea having been set up later on during the course of enquiry has been rightly disbelieved by the disciplinary authority. The appellant was the custodian of the record room and it was his responsibility to have seen that no untoward incident takes place as the ultimate liability would be fixed on the person incharge of the record room. In the above circumstances, we do not find any reason to interfere with the order imposing punishment or the order of the learned single Judge.



The appeal lacks merit and it is, accordingly,
dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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