

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12154 of 2014

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Sanjivan Chaudhary S/o Late Mulchand Chaudhary resident of Mohalla A-103, Sanjay Gandhi Nagar, Road No. 9, Hanuman Nagar, Patna 20

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary Water Resources Department, Govt. of Bihar, Sichai Bhawan, Patna.
3. The Deputy Secretary Vigilance, Govt. of Bihar Patna.
4. The Chief Engineer, Water Resources Dept. Muzaffarpur, Bihar.
5. The Special Officer Water Resources Dept, Govt. of Bihar.
6. The Executive Engineer, Tirhut Nahar Pramandal, Muzaffarpur.
7. Sri Indubhushan Kumar ID- 1684

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate
For the Respondent/s : Mr.Prabhat Kumar, AC to GA XI

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 05-04-2019

After some arguments, the issue boils down to the fact that the petitioner has been punished by way of deduction of 5 percent pension on the basis of some charges and findings in the proceedings which have not been challenged by the petitioner. In the instant proceedings the order passed on the memorial filed by the petitioner for review under Rule 24(2) of the Bihar CCA Rules has been challenged. The order is dated 11.09.2013. The review of the petitioner has been rejected.

Counsel for the petitioner has submitted that even if things are taken as they are, at best a collective responsibility



can be cast on the petitioner in respect of the charges which are touching upon the maintenance and repair of some embankment/canal. The petitioner cannot be fasten with the liability individually and that the records reveal that the petitioner has taken due and adequate care. It is also his submission that being the Superintending Engineer, the petitioner was relying upon the Executive Engineer, Sub-Divisional Officer and other staff for exercising his over all control.

In view of certain lapse/delay by the other authorities, the situation has occurred where there has been a delay in respect of some steps taken by the petitioner. Raising these mitigating circumstances in his favour, he submits that he would be approaching the Reviewing Authority so as to persuade them that the petitioner has suffered enough penalty as he has been deprived of 5 % pension from last six years.

In view of the submissions advanced by the petitioner's counsel, the issue has to be examined by the reviewing authority. The petitioner, as prayed for, would be at liberty to raise the mitigating circumstances in his favour before the Reviewing Authority for relief in respect of punishment as has been prayed for.



Writ petition is disposed off with the aforesaid liberty.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

