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IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9106 of 2019

Akhilesh Kumar Son of Suresh Mandal R/o Village-Paraspur Kadwa, P.S.-
Dholbajja, District-Bhagalpur

... .. Petitioner/s

Versus

1. The Chairman cum Managing Director, South Bihar Power Distribution Company Limited
2. The General Manager South Bihar Power Distribution Company Limited, Patna, Bihar
3. The Executive Electrical Engineer Power Supply Division, Banka, Bihar
4. The Deputy Accounts Director Power Supply Area, Bhagalpur, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj
For the Respondent/s : Mr.Vinay Kirti Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

2. Petitioner has filed the present application challenging the order passed by the disciplinary authority whereby the petitioner has been inflicted punishment of stoppage of one increment with cumulative effect and also the petitioner shall not get salary for the period of suspension except subsistence allowance.

3. From perusal of the material on record and on consideration of the submissions advanced by the parties, the Court is of the view that the kind of punishment inflicted on the



petitioner i.e. stoppage of one increment, the Court finds that the petitioner was inflicted such punishment after departmental proceeding as contemplated under the concerned rules.

4. The Court on consideration of the materials on record does not find the case of the petitioner grossly disproportionate punishment to the allegation and charges. The doctrine of proportionality is not attracted in the present case. However, the Court is in agreement with the submission advanced by the counsel for the petitioner that the respondents have not given notice before taking decision to forfeit salary for the period of suspension. Accordingly, that part of the order whereby salary for the period of suspension has been forfeited is quashed.

5. The respondents are directed to give opportunity of hearing to the petitioner before taking any decision to forfeit the salary for the period of suspension. The respondents are hereby directed to give specific notice in this regard to the petitioner within a period of 15 days from the date of receipt/production of a copy of this order and thereafter the respondents shall provide opportunity of hearing to the petitioner and pass appropriate order in accordance with law within a period of two months from the date of



receipt/production of a copy of this order.

6. With the aforesaid, the writ petition is partly
allowed and disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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