

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6963 of 2011

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Ram Bhaju Rajbanshi, S/O Late Bideshi Rajbansi, R/O Mohalla Nageshwari
Nagar, Khagaul Road, Saguna More, P.S.-Danapur, Town and Distt.-Patna.

... .. Petitioner/s

Versus

1. Bihar State Electricity Board appearing through its Chairman, Bailey Road,
P.S. Kotwali, Town and District Patna.
2. The Secretary, Bihar State Electricity Board, Bailey Road, P.S.-Kotwali,
Town and Distt.-Patna.
3. Sri Arun Kumar Sinha, Joint Secretary, Bihar State Electricity Board, Bailey
Road, P.S.-Kotwali, Town and Dist. Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shamsher Singh Rekhi, Adv.
Mr. Ram Shankar Kumar, Adv.
For the Respondent/s : Mr.Ranjit Sinha, ASC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 09-04-2019

Heard learned counsel for the parties.

In this case, the petitioner is challenging the order of punishment vide Memo No. 547 dated 8.3.2011 by which the punishment has been awarded to the petitioner ordering deduction of 5% of his pension and he will not be entitled to any extra amount of salary save and except the subsistence allowance paid to him during the period of suspension but, the period of suspension will be counted for the purpose of pension.

The petitioner, at the relevant time, was the Executive Engineer posted at Electric Supply Division, Kaimur, Bhabua. An information was received at the Board Headquarter that large scale



theft of electricity in Mohania Ramgarh, Bhabua, Kudra, Rohtas was being done by different consumers. The petitioner was the Controlling Authority of Bhabua Division. The Board Headquarter constituted a Committee of 7 officers to verify and detect the theft of electricity by the consumers, accordingly, the inspection was made at different establishments and it was found that large scale theft of electric power by members of the consumers of Kaimur Division. On the basis of the report of the Committee, the Board Headquarter decided to initiate a departmental proceeding against the petitioner and, in pursuance thereof, a resolution no. 1058 dated 24.7.2007 attaching the copy of the charge-sheet was served upon the petitioner. In the charge-sheet, the name of the consumers and the details of manner of commission of theft has been mentioned, and he was asked to file his explanation/reply. In pursuance thereof, the petitioner filed his written statement of defence -cum- objection taking defence that the S.D.O. as well as the Accountant were the persons responsible to plug the hole of commission of theft of electricity, he has taken a plea in the written statement of defence that it was not the duty of the Executive Engineer to inspect the premises and ensure plugging of theft of electricity. The competent authority was not satisfied



with the explanation of the petitioner and decided to proceed departmentally against the petitioner.

From the side of the Bihar Electricity Board, 7 witnesses having been examined to prove the charges and all have narrated the dereliction of duty of the petitioner in protecting the interest of the Electricity Board. The enquiry report submitted against the petitioner was served upon him, in turn, he filed his objection and, ultimately, the competent authority has awarded punishment of reduction of pension by 5% and, at the same time, he will not be entitled to extra amount except the subsistence allowance already paid to the petitioner.

During argument, this Court asked the petitioner to point out the irregularity committed in holding the departmental enquiry but, learned counsel for the petitioner failed to point out the defect in conducting the departmental proceeding and it appears that all the actions have been taken against the petitioner after following proper procedure, inasmuch as, supporting evidence has been brought to substantiate the allegation made against him and on receipt of the enquiry report, the petitioner replied, in turn, the decision has been taken to inflict punishment as reduction of pension by 5%.



The scope of judicial review is very limited in the sense that this Court has to examine the decision making process not the decision and the Court will interfere only when the punishments are so excessive that no reasonable person can pass such an order of such punishment.

Learned counsel for the petitioner has failed to point out any irregularity in commission of the enquiry proceeding nor the petitioner is able to show the petitioner has been awarded punishment outrageous to the logic of defiance that no normal person in normal circumstances will pass an order of reduction of pension by 5%.

In that view of the matter, this Court does not find any merit in the present writ application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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