

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5529 of 2015

Most. Fulmati Devi W/o late Ram Chandra Ram Resident of village - Pokhra,
Police Station - Kotwa, District - East Champaran. Petitioner/s
Versus

1. The State Of Bihar and Ors
2. The Director Administration, Jail Inspection Home Jail Department, Bihar, Patna.
3. The Joint Secretary-cum-Director Administration, Bihar, Patna.
4. I.G. Prison, Bihar, Patna.
5. Jail Superintendent, Sub-Divisional Jail, Jamui.
6. The Superintendent Special Central Jail, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. Ram Balak Mahto, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 29-01-2019

During pendency of the writ proceedings the petitioner Ram Chandra Ram, passed away on 22.08.2016 and I.A. No. 2027 of 2018 has been filed for substitution of name of his wife in his place.

2. I.A. No. 2027 of 2018 stands allowed.

3. Let the name of Most. Fulmati Devi be substituted in place of the petitioner as per the details contained in the affidavit filed in support of the IA application.

4. Original petitioner has filed the instant writ petition for quashing the order of punishment dated 22.05.2012 reducing his



pay scale. Against the order passed by the Disciplinary Authority the petitioner has exhausted remedy of appeal before the Inspector General (Prison). He has thereafter approached the Government by filing a service appeal which is Annexure 17 to the writ petition. In his appeal (Annexure 17) the petitioner has only requested that he may be pardoned for his intermittent absence from duties which constitutes the charges contained in charge memo dated 28.02.2009.

5. In his appeal filed before the Government the petitioner has not raised any issues which were required to be looked into. Petitioner's prayer for pardon also was not legally enforceable as he had no vested right for being pardoned by the authorities. Therefore, this Court does not find any reason to interfere with the order passed by the Government on 09.06.2014 rejecting the petitioner's appeal. As regards the order of punishment issued by the Disciplinary Authority on 25.05.2012 the admitted position is that the petitioner inspite of due service of charge memo and second show cause had chosen not to appear either before the Enquiry Officer or the Disciplinary Authority. No illegality has been pointed out, either in the decision, or decision making process. Therefore, there is no occasion for this Court to interfere with the findings arrived



at by the Disciplinary Authority.

6. The writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

