

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6115 of 2015

Harendra Kumar S/o - Late Kali Charan Ram resident of Block - E, Flat No. - 402, Mangal Vihar Apartment , Jagdeo Path, Bailey Road, P.O.- Bihar Veterinary College, P.S. - Rupespur, District- Patna

... Petitioner

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Dy. Inspector General of Police , Chamaparan Range, Bettiah,
4. The Superintendent of Police, East Champaran, Motihari.
5. The Additional Superintendent of Police , Sadar- Conducting Officer, East Champaran, Motihari

. Respondents

Appearance :

For the Petitioner	:	Mr. Shri Prakash Srivastava, Advocate
For the Respondents	:	Mr. AC to the Advocate General, Bihar

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner as well as learned counsel for the State.

The petitioner was proceeded against on nine charges.

It is his submission that the petitioner was found guilty only on the first two charges contained in charge memo dated 15.5.2015.

In respect of other seven charges, the petitioner has been exonerated by the Enquiry Officer. Conclusion has been upheld by the Disciplinary Authority as well as the Appellate Authority.

It is his submission that on account of the petitioner being exonerated of seven charges out of nine, order of punishment directing for withholding of six annual increments with



cumulative effect, is grossly disproportionate to the charges and findings. This issue however has not been raised before the Appellate Authority in the memo of appeal filed by the petitioner.

Even otherwise, jurisdiction of the writ court, so as to substitute the punishment, is very limited and lies in a very narrow compass. Having regard to the mitigating circumstances, learned counsel for the petitioner submits that the petitioner may raise this issue for lessening of the quantum of punishment before the Appellate Authority. He submits that the petitioner would be approaching the Deputy Inspector General of Police, Champaran Range, Bettiah (respondent no.3) by filing a representation for toning down the order of punishment having regard to the fact that he has been exonerated in seven charges out of nine, and any other mitigating circumstances that the petitioner may raise.

In the event, petitioner files such representation before respondent no.3 within four weeks, respondent no.3 would be, needless to say, obliged to consider the claim of the petitioner by a reasoned and speaking order in accordance with law within a period of eight weeks thereafter.

This order may not be considered to be an expression



on the claim made by the petitioner.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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