

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18124 of 2019

Manoranjan Prasad Saha son of Late Panna Lal Shah resident of Mohalla-
Jakanpur, P.S. Jakanpur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Director, Land Record and Measurement Directorate, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Assistant Director, Land Record and Measurement Directorate, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Deputy Director, Bihar Survey Office, Gulzarbagh, Patna.
5. The Assistant Director, Bihar Survey Office, Gulzarbagh, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary
Mr. Akshansh Ankit

For the Respondent/s : Mr. W.A.Khan, AC to SC-25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 18-09-2019

The petitioner holds a Class-IV post of Press Attendant in Bihar Survey Office, Gulzarbagh, Patna. For an act of misconduct, said to have been committed by him on 11.03.2010, a departmental proceeding was initiated against him. He was placed under suspension. Departmental proceeding culminated with imposition of minor punishment of withholding of one increment with non-cumulative effect, by order dated 17.01.2012, passed by the Director, Land Record and Measurement Directorate, in the Department of Revenue and Land Reforms, Government of Bihar. He had preferred an appeal, which came to be rejected by an order



dated 18.07.2016 mainly on the ground of delay. The petitioner had approached this Court by filing writ application giving rise to C.W.J.C. No. 8096 of 2017.

Considering the fact that the appeal was dismissed only on the ground of delay, in the facts and circumstances of the case, the Court, while quashing the order of the appellate authority, dated 18.07.2016, had directed the appellate authority to consider the petitioner's appeal on merit and pass a speaking and reasoned order. The said order of this Court was passed on 11.04.2018 in C.W.J.C. No. 8096 of 2017.

In compliance of the said order of this Court, the appellate authority has passed an order dated 08.04.2019 considering the petitioner's appeal on merit and has again rejected the petitioner's appeal. The order of the disciplinary authority, imposing punishment, and the order of the appellate authority, whereby the petitioner's appeal has been rejected, are being assailed in the present writ application.

Learned counsel appearing on behalf of the petitioner has submitted that there has been procedural irregularity in conduct of the departmental enquiry. He submits that the charge against the petitioner was vague and the petitioner was not given an opportunity to cross-examine the witnesses, who supported the



charge in course of the departmental enquiry. He has further submitted that the Enquiry Officer had initially not given any definite finding, but after he was specifically directed to do so by the disciplinary authority, he had submitted another report holding some of the charges against the petitioner to have been proved, which is the basis of imposition of punishment by the disciplinary authority.

I have carefully examined the misconduct alleged in the charge sheet, which is at Annexure-P/1 of the writ application. It is alleged against the petitioner that he had misbehaved with his colleagues and had created unnecessary uproar and commotion and had thus caused obstruction in official work. There was also an allegation that the petitioner had indulged in corrupt practices by demanding money from persons in need of survey maps.

Learned counsel appearing on behalf of the petitioner may be correct in his submission that the charge, to the extent that the petitioner was indulging in corrupt practices, was vague. However, his conduct, relating to misbehaviour with his colleagues, is specific with reference to date and time as can be gathered from the charge sheet itself. On perusal of the order of the appellate authority, I find that he has taken into account the petitioner's own representations, dated 09.02.2015, 01.10.2015



and 25.04.2016, wherein the petitioner had undertaken not to repeat ever in future such conduct, which was subject matter of the departmental enquiry.

Considering the facts and circumstances, as noted above, and in view of the nature of penalty imposed, I do not find any reason to interfere with the impugned order. The minor punishment, which has been imposed, cannot be said to be unreasonable, requiring this Court's interference.

So far as payment during the period of suspension, as indicated in the impugned order, is concerned, the petitioner shall be at liberty to make an application before the disciplinary authority so as to convince him that the order of suspension was wholly unjustified and, therefore, he is entitled to an order under Rule 11(3) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005. If any application is made, the disciplinary authority shall consider and pass appropriate order in accordance with law.

This writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.09.2019
Transmission Date	N/A

