

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7348 of 2015

Ashok Kumar Singh S/O Ram Ekbal Singh resident of village- Pachlakh,
P.S.- Parsa Chapra, District- Chapra Saran, at Present Posted as Executive
Engineer, Rural Works Department, Advance Planning Division-1,
Government of Bihar, Patna.

... .. Petitioner

Versus

1. The State Of Bihar through the Secretary, Rural Works Department, Govt. of Bihar Patna
2. The Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Joint Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Special Secretary, Rural Works Department, Government of Bihar, Patna.
5. The Engineer-in-Chief, Rural Works, Department, Government of Bihar, Patna.
6. The Chief Engineer Headquarter, Rural Works Department, Government of Bihar, Patna.
7. The Superintending Engineer, Rural Works Department, Works Circle Patna.
8. The Executive Engineer Vigilance, Rural Works Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Sinha Mr. Binod Kumar
For the Respondent/s	:	Mr. Raghwanand GA XI Mr. Prabhat Kumar, AC to GA XI

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-05-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

This writ petition has been filed for quashing the
punishment order dated 19.5.2013 imposing minor punishment
of censure and withholding of two increments without
cumulative effect. The said punishment has been inflicted upon
the petitioner in view of insubordination shown by him.



On 19.5.2011, on the basis of earlier complaints, the petitioner was directed by the Engineer-in-Chief to submit the documents including Measurement Book on account of which payment of some contractor was withheld though the work had been completed in April 2007. The petitioner responded by communication dated 20.5.2011. He took a stand that since the staff handling the concerned record had been deputed in the panchayat election it was therefore not possible to make available the requisite documents and Measurement Book within 24 hours as had been directed by the Engineer-in-Chief.

The petitioner pointed out that in respect of the issue in question the internal enquiry vigilance has earlier examined the issue and the documents are available with the internal vigilance from which the same can be obtained. The petitioner was thereafter issued a show cause on the said issue to which he responded by communication dated 26.5.2011. Even in the said response he has not made available the documents which were required but has referred to earlier communication of the year 2010 wherein the documents had earlier been submitted to the earlier authorities. On account of such act of confrontation with the superior authority the petitioner after a show cause has been visited with the minor punishment of censure and withholding



of two increments without cumulative effect.

Learned Counsel for the petitioner has submitted that the documents were available in the internal vigilance and petitioner had duly intimated the authorities that the same had been submitted. The correspondence on the record would reveal that the contractor was unnecessarily pursuing the matter with malafide objective.

Since the only issue which has to be examined in these proceedings is whether the minor punishment is sustainable on account of petitioner not submitting documents pursuant to requisition/direction of his superior authority, this Court will not go into history of the issue. It is clear from the records that after 19.5.2011 even up till the time petitioner submitted his show cause response on 26.5.2011 the documents which were requisitioned by the Engineer-in-Chief were not submitted by him on one pretext or other.

This Court therefore does not find any reason to interfere with the punishment.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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