

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17209 of 2018

Along with
Interlocutory Application No. 1 of 2019

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Gauri Shankar Chaudhary, Clerk, Son of Late Ram Krishna Chaudhary, Resident of Mohalla - Gosai Tola, P.S. Patliputra Colony, in the Town and District of Patna and posted as Clerk at the Circle Officer, Sampatchak Block Office, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar Old Secretariat, Patna.
2. The Divisional Commissioner, Patna Division, West of Gandhi Maidan, Patna.
3. The District Magistrate-cum-Collector, Patna.
4. The Additional Collector, Patna-cum-Inquiry Officer of the Departmental Proceeding dated 05.09.2016.
5. The Circle Officer, Sampatchak, Patna.
6. The Block Development Officer, Naubatpur Block, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Gupta, Advocate
For the State : Mr. Nasrul Hoda Khan, SC 1

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 22-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Dharendra Kumar Gupta, learned counsel for the petitioner and Mr. Nasrul Hoda Khan, learned SC 1 for the State.

3. The petitioner has moved the Court for the following reliefs:



“(1) That this is an application for quashing the order dated 27.07.2018 passed by the District Magistrate, Patna vide memo no. xxx-40/2016 1492/Est. Patna which has been made in the most illegal, void and arbitrary manner and the same is violative of Article 14 and 16 of the constitution of India and also contrary to the Department Rules, Allied Acts, Rules and the procedures and provisions laid down in the departmental proceedings and without giving an opportunity to file and submit the 2nd show cause in this case.”

4. Learned counsel for the petitioner submitted that the order has been passed without considering the fact that the petitioner was medically unfit. He further submitted that payments have not been made to him of his entire dues.

5. Learned counsel for the State submitted that though in the writ application ground has been taken that no second show cause was given, but the order impugned itself indicates that after receipt of the reply to the second show cause by the petitioner and after hearing him, the order has been passed. It was further submitted that the punishment awarded is minor as it is only stopping of two increments that too, with non-cumulative effect. With regard to non-payment of dues, it was submitted that such prayer has not been made in the writ application and, thus, is a separate cause of action.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court



does not find any merit in the writ application. The order impugned is well considered. Further, the Court would not substitute its view with regard to the quantum of punishment as it is the discretion of the Disciplinary Authority. Moreover, as learned counsel for the State has rightly submitted that the punishment awarded is minor, the Court is not inclined to interfere in the matter.

7. Accordingly, the writ petition stands disposed off.

8. However, if the petitioner has any other grievance, with regard to non-payment of any of his admissible dues, the same being a separate cause of action, it shall be open to the petitioner to move before the appropriate forum, in accordance with law, for the same.

9. Interlocutory Application No. 1 of 2019 also stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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