

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10698 of 2020

Vijay Kumar Tiwari Son of Chinta Haran Tiwari, Resident of Village-Bajahan, P.O. Majhauri, P.S.-Basdih Road, District-Ballia, Uttar Pradesh, presently Retired as Sub Divisional Welfare Officer, Rajauri, District-Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Department of Scheduled Caste and Scheduled Tribe Welfare, Government of Bihar, Patna.
3. The Director, Department of Welfare of Scheduled Caste and Scheduled Tribe, Government of Bihar, Patna.
4. The Deputy Director, Welfare, Patna Division, Patna.
5. The Joint Secretary, Department of Welfare of Scheduled Caste and Scheduled Tribe, Government of Bihar, Patna.
6. The District Magistrate, Bhojpur, Ara.
7. The Deputy Development Commissioner, Bhojpur.
8. The District Welfare Officer, Bhojpur, Ara.
9. The Sub Division Officer, Sadar, Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar
For the Respondent/s : Mr.Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-03-2021 The present writ petition has been filed for quashing the order of punishment dated 23.01.2019 issued by the Joint Secretary, Department of Welfare, Scheduled Caste & Scheduled Tribe, Government of Bihar, Patna, whereby and whereunder the petitioner has been inflicted with minor punishment of censor and has been warned to be careful in future towards his duties.



The learned counsel for the petitioner has submitted that just after passing of the aforesaid order the petitioner has stood superannuated on 31.12.2019 and on account of the aforesaid punishment order dated 23.01.2019, the petitioner is not being paid the retiral benefits.

Per contra, the learned counsel appearing for the respondent Shri Gyan Shankar has submitted that the punishment order dated 23.01.2019 would itself show that the same has got no effect on the retiral benefits of the petitioner.

Having regard to the facts and circumstances of the case, I deem it fit and proper to dispose off the present writ petition by observing that the minor punishments of censor and warning awarded to the petitioner, by the impugned order dated 23.01.2019, are not in the nature which would in any manner effect the retiral dues of the petitioner herein as also the continuity in service of the petitioner herein, hence the respondent authorities shall not be impeded by the aforesaid punishment order dated 23.01.2019 while granting/paying retiral dues to the petitioner herein.

At this juncture, the learned counsel for the petitioner has also prayed for grant of salary for the period of suspension. In this regard, this Court would only observe that since the



petitioner has not been found to be guilty of grave misconduct and moreover he has not been found to have caused any pecuniary loss to the Government and the disciplinary authority in the impugned order of punishment dated 23.01.2019 has only come to a finding that there had been a communication gap, which depicts lack of supervision on the part of the petitioner, thus only minor punishment of censor and warning has been inflicted upon the petitioner, it would be appropriate if the Secretary, Department of Scheduled Caste & Scheduled Tribe Welfare, Government of Bihar, Patna takes a decision under Rule 97 of the Bihar Service Code, in a sympathetic manner, within a period of four weeks from today and accordingly, make payment of the outstanding salary.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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