

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.619 of 2019

In
Civil Writ Jurisdiction Case No.3055 of 2017

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Kumari Ranjani W/o Shri Vikas Kumar Srivastava R/o Village and P.O.-
Bharauli, Bhaya-Narendrapur, P.S.-Andar, District-Siwan Appellant/s
Versus

1. The State of Bihar
2. The Divisional Commissioner Saran at Chapra
3. The District Magistrate Siwan
4. The Enquiry Officer-cum-Additional Collector Siwan
5. The Circle Officer Siwan, District-Siwan

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Bipin Bihari Singh
Mr. Akhilesh Kr. Sinha
Mr. Shyama Kant Singh, Advocates
For the Respondent/s : Mr. Rakesh Ranjan, A.C. to AAG 12

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)
Date : 24-02-2021

Heard the parties.

Aggrieved by the judgment and order dated
19.04.2019 passed in C.W.J.C. No.3055 of 2017 passed by
learned Single Judge of this Hon'ble Court dismissing the writ
petition, the appellant has preferred this LPA.

Appellant had filed writ petition for setting aside the
order dated 9.1.2016 passed in Service Appeal No. 318 of 2014
passed by Commissioner, Saran at Chapra / appellate authority
rejecting the representation of appellant to reconsider quantum
of punishment pursuant to direction issued by this Court vide



order dated 06.10.2015 passed in CWJC No.15794 of 2015 to the appellate authority, the Commissioner, Saran, Chapra to reconsider the quantum of punishment as to whether the order of dismissal can be substituted by compulsory retirement.

Appellant had earlier filed writ petition being CWJC No. 15794 of 2015 challenging the order of dismissal passed by the Collector, disciplinary authority and affirmed by the Commissioner, Appellate Authority. This court in its order dated 6.10.2015 did not interfere with the finding of disciplinary authority in which charges against the appellant stood proved and same was affirmed by the appellate authority, however, on issue of quantum of punishment, direction was issued to appellate authority to re-consider it, if the order of dismissal could be substituted by order of compulsory retirement. However, the appellate authority reconsidered the issue of quantum of punishment awarded to appellant but did not find the punishment awarded disproportionate to the gravity of proven charges and found the punishment of dismissal from service to be just and proper and commensurate to the gravity of proved misconduct. The appellate authority has also found that appellant misrepresented before this Hon'ble Court that she has a clean service record although earlier also, she was



departmentally proceeded for misconduct.

The quantum of punishment to be awarded in a disciplinary proceeding for proven misconduct exclusively lies within the domain of the disciplinary authority/appellate authority/revisional authority and courts cannot substitute order of punishment but only can direct the disciplinary authority/appellate authority/revisional authority to re-consider the quantum of punishment, if same appears to be shockingly disproportionate to the gravity of proven misconduct. In present case, on the direction of this Court, the appellate authority has reconsidered the quantum of punishment awarded to appellant but did not find same fit to be substituted by order of compulsory retirement.

This Court does not find any error or infirmity in the order passed by learned Single Judge and, accordingly, this LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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