

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.124 of 2020

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Ripu Daman, S/o Ram Sharan Singh, Resident of Vill.- Gajra Chatar (Near Tilaiya Junction), P.S.- Narhat, P.O.- Chhoti Jamuara, District-Nawada at present residing at C/o Dwarika Nath Choubey, Advocate, Sitaram Path Extension, Patel Nagar, Town, P.O. and P.S.- Patna-800023

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited through its Chairman cum Managing Director, Vidyut Bhawan, Bailey Road, Patna
2. The Chairman cum Managing Director Bihar State Power Holding Company Limited, Vidyut Bhawan, Bailey Road, Patna
3. The Managing Director South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna
4. The General Manager (HR and Admin.) South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna
5. The Deputy General Manager (HR and Admin.) South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna
6. The Under Secretary South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna
7. The Electrical Executive Engineer, Lakhisarai Electric Supply Division, Lakhisarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bajarangi Lal, Advocate
For the Respondent/s	:	Mr.Vinay Kirti Singh, Sr. Advocate
		Mr. Vijay Kumar Verma, Advocate
		Mr. Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 28-06-2022

Heard learned counsel for the petitioner and Mr. Singh,
learned Senior Counsel appearing for the respondents.

The petitioner was posted in the Electric Supply
Division, Lakhisarai as Accounts Assistant in between the period
18.07.2016 and 28.05.2018. While posted at the said place, the



petitioner has been visited with the punishment of warning to be recorded in the service book. Punishment order is dated 21.03.2018.

While the petitioner was working in the Divisional Office, he was asked to discharge the duties of maintenance of accounts and cash of the Sub-Divisional Office. The same was directed under Memo No.08 dated 09.02.2018, issued by the Electrical Executive Engineer. The petitioner chose not to take up the additional duties assigned to him and made a representation on 14.02.2018 to the Executive Engineer stating therein that he was already burdened with sufficient work in the Divisional Office. He not only expressed his unwillingness to assume the additional duties assigned to him; but also suggested to the Electrical Executive Engineer that someone else should be placed at the said place of posting and his duties be confined to Divisional Office and if he is required to take up the duties in the Sub-division, then he should be relieved of the duties in the Divisional Office. Having done so, the petitioner admittedly has not assumed the additional duties assigned to him, under communication dated 09.02.2018.

In respect of this act of indiscipline and insubordination, the authorities have visited the petitioner with a show cause dated 11.04.2018.



Another fact which is worth consideration is that on 23.02.2018, the petitioner was served with the show cause, whereafter in the second half, on the same day he has proceeded on medical leave. On 26.04.2018, he has responded to the show cause notice issued to him taking substantially the same grounds as had been categorically expressed by him in the earlier representation dated 14.02.2018. The reply of the petitioner dated 14.02.2018 is clearly an act of insubordination and the petitioner admittedly has also not complied with the direction to assume the additional duties. Had he assumed the additional duties under protest or requested the authorities after assuming the additional duties, the issue may have been different.

In view of the aforesaid admitted facts and the non-compliance with the direction issued by the superior authority, the petitioner after being given an opportunity to show cause has been visited with a minor punishment of withholding of one increment, under the impugned order dated 05.07.2018.

It is the petitioner's case that the same had led to two consequences as on 26.07.2018 the petitioner has also been transferred from the said place of posting. The records reveal that after due opportunity, the petitioner was visited with the minor punishment. Having regard to the admitted facts and the



circumstances taken note of above, this Court does not find any infirmity in the minor punishment awarded to the petitioner.

In so far as the petitioner’s transfer thereafter is concerned, it is observed by this Court that transfer of the petitioner appears to be a *bona fide* administrative decision, and no case is made out otherwise.

The writ application is dismissed.

(Madhuresh Prasad, J)

PNM

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

