

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17718 of 2018

Radhe Shyam Sharma Son of Late Vindeshwar Prasad Sinha Resident of East Patel Nagar, Road No. 6, P.S. - Shastri Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Patna High Court through the Registrar General, Patna.
3. The Registrar General, Patna High Court.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Smiti Bharti, Adv.
For the High Court : Mr. Piyush Lall, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

5 20-02-2023 Heard Ms. Smiti Bharti, the learned Advocate for the petitioner and Mr. Piyush Lall for the respondent / Patna High Court.

This writ petition has been filed against the award of punishment of deduction of 50% of the pension of the petitioner with immediate effect.

It appears from the records that the petitioner was suspended in contemplation of a departmental proceeding on 27.07.2012 and he retired while remaining under suspension on 31.07.2012.



The departmental proceeding, however, was initiated against him on 10.07.2013 i.e. after his superannuation.

The charge against the petitioner was that four Sessions Trials were disposed off by him, showing unnecessary haste and the judgment pronounced was against the weight of overwhelming evidence and the basic postulates of law.

The charge was amended and another Sessions Trial was taken note of in which the same haste was shown by the petitioner. Since all the Trials were disposed off within four years of the superannuation of the petitioner, the proceeding under Rule 43(b) of the Bihar Pension Rules, 1950 was initiated against him.

After the proceeding, he was found guilty and after serving him the second show cause notice, he has been slapped with the punishment of deduction of 50% of the pension with immediate effect.

The aforementioned punishment has the sanction of law under Rule 43(b) of the Bihar Pension Rules.



We find from the writ petition that there is no challenge to holding of guilty of the petitioner for passing judgments in Sessions Trial post-haste and against the weight of overwhelming evidence and against the basic cannons of law. Since the finding has not been challenged and only the sentence has been objected to, we find no reason to interfere with the sentence as well which prima facie does not appear to be excessive or unduly harsh to us.

Thus, we are left with no alternative but to dismiss this writ petition but without any order as to costs.

(Ashutosh Kumar, J)

sharun/sunil-

(Harish Kumar, J)

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