

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1840 of 2023

Sanjay Kumar Singh Son of Late Yogendra Prasad, R/o Village and P.O.-
Basudeopur, P.S.-- Kotwali, District- Munger (Bihar) at present posted as
Principal Probation Officer, Hajipur, District- Vaishali at Hajipur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Home Department, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, Home Department, Govt. of Bihar, Patna.
4. The Inspector General, Prison, Bihar, Patna.
5. The Joint Secretary-cum-Director (Administration) Prison and Correctional
Service Inspectorate, , Home Department, Govt. of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mrs. Ritika Rani, Advocate
For the Respondent/s	:	Mr. Dhurendra Kumar, A.C. to G.P. 5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

14 25-09-2023 Heard learned counsel for the petitioner and the
learned State counsel.

2. Learned counsel for the petitioner, after placing arguments with respect to the procedure adopted by the authority, has summed up his submission by raising a grievance that the petitioner has been proceeded against for forwarding a proposal for which he was not competent in terms of the Rule. The proposal was for grant of advance against the G.P.F. amount which has been processed by the then Director, Probation, Jail and Reforms Services. The Director, who has allowed the



benefit of advance towards G.P.F., has not been visited with any penalty whereas the petitioner who is alleged to have forwarded the proposal has been visited with the penalty of two annual increments with non-cumulative effect. It is submitted that claiming parity in the matter of punishment with the then Director, Probation, the petitioner shall approach the Reviewing Authority afresh.

3. In view of such submission and since the order passed with respect to the Director is of the same day on which the order was passed against the petitioner and finding that this aspect has not been considered by the Disciplinary Authority, the writ application is being disposed of with a direction to the Respondent No. 5 (i.e. The Joint Secretary-cum-Director (Administration), Prison and Correctional Service Inspectorate, Home Department, Government of Bihar, Patna) to take a final decision on the petitioner's claim limited to the issue of quantum of punishment on the ground of claiming parity with the Director whose punishment order is also of 15.6.2022 bearing No. 6597.

4. In the event, the petitioner makes an application to this effect within a period of four weeks, the Respondent No. 5 shall consider the same by a speaking order within a period of



three months thereafter. The impugned order of punishment dated 15.6.2022 bearing No. 6596 shall not come in the way of such consideration.

(Madhuresh Prasad, J)

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