

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12199 of 2013

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Rabindra Kumar Son Of Late Jagdeo Prasad Singh Resident Of Mohalla-
Postal Park, Road No. 4, P.S.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, General Administration Department, Govt. Of Bihar, Patna
3. The Principal Secretary, Department Of Industries, Govt. Of Bihar, Patna
4. The Joint Secretary, General Administration Department, Govt. Of Bihar, Patna
5. The Assistant Secretary, General Administration Department, Govt. Of Bihar, Patna
6. The Additional Director-Cum-Enquiry Officer, Department Of Industries, Government Of Bihar, Patna
7. The Under Secretary, General Administration Department, Govt. Of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prem Kumar Jha, Advocate. Mr. Rajesh Kumar Jha, Advocate. Mr. Nishant Kuumar Jha, Advocate.
For the State	:	None.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-01-2023 Heard learned counsel for the petitioner.

No one appears on behalf of the State.

Petitioner is aggrieved by an order dated 2.4.2013
whereby the punishment awarded to the petitioner in the
departmental proceeding has been reviewed and he has been
placed at the lower scale of Section Officer.

The petitioner was Registrar in the Industry Department
and was proceeded in the departmental proceedings having three



charges; charges No. 1 is regarding the complicity of the petitioner in making the fraudulent entry in the supply order, (ii) holding over the file through under Secretary without taking any receipt and (iii) taking away the file from the table of the under Secretary without permission.

The conducting Officer found the petitioner guilty of the charges and second show cause was asked from the petitioner. The Disciplinary Officer inflicted punishment of reversion to the lower pay scale of Assistant Cadre from the post of Registrar/Section Officer, Department of Industry, Bihar, Patna. The petitioner challenged the order of punishment in CWJC No. 3502 of 2011. The aforesaid writ application was disposed by an order dated 8.11.2012 in which this Court came to the finding that there was no procedural infirmity in the proceedings. However, the view of this Court was that the punishment accorded to the petitioner was disproportionate to the offence committed. As such, the matter was remanded to consider the quantum of punishment.

Mr. Prem Kumar Jha, learned counsel for the petitioner submits that almost similar charges rather more grievous were levelled against the under Secretary, namely, Jai Balak Prasad, and punishment was awarded by the disciplinary



authority withholding his 50 per cent gratuity as well as 50 per cent pension for the period of 10 years. He also approached this Court in CWJC No. 6455 of 2011 which was disposed of on 10.8.2017. The writ application of Jai Balak Prasad was allowed and the order of punishment was quashed. The petitioner is seeking parity with the order passed in a writ application filed by the under Secretary, namely, Jai Balak Prasad in CWJC No. 6455 of 2011.

Heard learned counsel for the petitioner.

It is an admitted position that the petitioner did not challenge or file a review application before the Bench of this Court, by which, the writ application was disposed after arriving at the finding that there was no infirmity in the proceedings conducted against the petitioner. The matter was remanded only on the point of quantum of punishment and the disciplinary authority reconsidered the punishment order and has awarded lesser punishment than the punishment awarded to the petitioner earlier vide order dated 16.8.2010 meaning thereby the harsher punishment has been reduced to lesser punishment.

In view of the fact that the punishment awarded earlier has been reconsidered upon remand by the disciplinary authority and the lesser punishment has been awarded by the



impugned order, accordingly, I do not find any merit in this writ application and the same stands dismissed.

(Anil Kumar Sinha, J)

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