

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.505 of 2022

In
Civil Writ Jurisdiction Case No.4735 of 2011

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Lal Bahadur Ram S/o Late Jadu Ram, R/o Srinagar, P.S. - Siwan Muffasil,
District - Siwan.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary, Home Special Department, Government of Bihar,
Patna.
3. The Principal Secretary, Cabinet Vigilance Department, Government of
Bihar, Patna.
4. The Director General of Police-Cum-Inspector General of Police,
Government of Bihar, Patna.
5. The Inspector General of Police, Headquarter, Bihar, Patna.
6. The Inspector General, Special Vigilance Unit, Patna -Cum-Inquiry Officer
of the Departmental Inquiry.
7. The Addl. Director General, Cabinet Vigilance Department, Government of
Bihar, Patna.
8. The Deputy Inspector General, Cabinet Vigilance Department, Government
of Bihar, Patna.
9. The Superintendent of Police, Cabinet Vigilance Department, Government
of Bihar, Patna.
10. The Deputy Secretary, Home Special Department, Government of Bihar,
Patna.
11. The Deputy Secretary, Home Police Department, Government of Bihar,
Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Jagannath Singh, Advocate
For the Respondent/s : Mr. P.K. Verma (AAG3)

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

Date : 23-01-2023

Heard Mr. Jagannath Singh, learned Advocate for the appellant and Mr. Suman Kumar Jha for the State.

The appellant, in a departmental proceeding was slapped with a punishment of stoppage of three increments with cumulative effect. This was challenged by him before the High Court *vide* CWJC No. 1817 of 2010, in which an order was passed on 05.08.2010 giving liberty to the appellant to represent before the authorities on the issue of quantum of punishment only.

Armed with the aforementioned observation of the learned Single Judge in that instance, the appellant approached the authorities and asked them to re-visit the quantum of sentence imposed upon him. The concerned authority found that there was no reason to change that order for the reason that an officer of the rank of Dy. S.P. was supposed to put his signature on the affidavit only after understanding the contents of it. The wrong



statement of fact filed before the High Court led to a positive inference that there was some way in which the appellant was trying to help out an accused who was trying to have some concessions from the High Court.

Against the aforesaid decision of the authority refusing to change/modify the quantum of sentence, the appellant approached this Court *vide* CWJC No. 4735 of 2011 which was dismissed on 23.08.2022 by the learned Single Judge holding that when the appellant was subjected to disciplinary proceeding which had concluded in imposition of penalty on him and such quantum of sentence was again re-visited but no modification was made, there was no way in which this Court could have given him any benefit.

We do not find any flaw with the order appealed against, even taking into account the fact that during the departmental proceeding, the two official witnesses had made a disclosure that perhaps such lapse on the part of the appellant could have been made inadvertently.



We would, but, be hesitant in going back to such issues especially with respect to imposition of punishment and the quantum of sentence for the reason that even if it is a bit more than what would have been condign, it is not so shocking to sense of prudence that it requires any judicial interference.

The appeal stands dismissed.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

krishna/-

AFR/NAFR	NAFR
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