

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.99 of 2024
In
Civil Writ Jurisdiction Case No.7945 of 2012

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1. Pramila Devi Wife of Late Ram Sevak Ram Resident of Village- Ganauli, P.S.- Andhratharhi, District- Madhubani.
 2. Prashant Kumar Mehra Son of Late Ram Sevak Ram Resident of Village- Ganauli, P.S.- Andhratharhi, District- Madhubani.
 3. Nishikant Kumar Ranjan Son of Late Ram Sevak Ram Resident of Village- Ganauli, P.S.- Andhratharhi, District- Madhubani.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Secretary Cum I G Registration, Bihar, Patna, New Secretariat, Patna
3. The Assistanat Inspector General Of Registration, Bihar, Patna.
4. The District Magistrate Cum Registrar, Gaya ,Bihar
5. The Inspector Of Registration Office, Magadh Division, Gaya, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Jay Ram Prasad, Advocate
For the Respondent/s : Mr.Additional Advocate General 05

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-10-2024

The instant appeal has been filed against the judgment of the learned Single Judge which imposed the order of punishment of compulsory retirement.

2. Learned Senior Counsel appearing for the



appellants, who are the legal heirs of the delinquent employee who was compulsory retired, submits that the unauthorized absence was for a negligible period of two and a half months. It is also submitted that the order now passed of compulsory retirement is also a major punishment and hence, it goes against the spirit of the judgment in CWJC No. 10776 of 2010.

3. We have also heard learned Counsel appearing for the respondents.

4. The fact remains that the delinquent employee was proceeded against for unauthorized absence and for not attending the election duty as directed. The appellant was found guilty and dismissed from service. The appellant filed CWJC No. 11526 of 2005 which was allowed vide order dated 07.07.2009, but however reserving liberty to hold departmental proceedings.

5. The departmental proceeding was held and the appellant was again dismissed from service, which order was challenged in CWJC No. 10776 of 2010. The judgment passed in CWJC No. 10776 of 2010 is produced as Annexure-14 to the writ petition. Therein the learned Single Judge (as he then was) clearly held that the quantum of punishment is primarily the jurisdiction of the respondents and the Court was satisfied of the



delinquency of the petitioner as proved at the inquiry. It was also recorded that there is no challenge against the departmental proceeding as such since there was no procedural irregularity alleged.

6. Considering the entire facts and circumstances of the case, the learned Single Judge only found that the quantum of punishment as dismissal would be disproportionate and remitted the matter back to the respondents for passing any such fresh appropriate order of punishment as they may deem fit and proper.

7. On remand, the disciplinary authority again considered the matter and passed an order of compulsory retirement; which in gravity is far lesser than that of dismissal. Dismissal effaces the entire service of the delinquent, while compulsory retirement necessarily enables the retired person to get the retiral benefits accruing by virtue of the service till the date of retirement. We find absolutely no reason to interfere with the order passed or the judgment affirming the said order.

8. The appeal stands dismissed.

9. The entitlement as per the compulsory retirement which was available to the deceased delinquent employee, if any, would be payable to the legal heirs. The same shall be



computed and disbursed within a period of three months, if not already disbursed, along with a written computation of the benefits supplied to the legal heirs.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Harsh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.10.2024
Transmission Date	

