

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17198 of 2012

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Suresh Pd. Son Of Sri Rajdeyal Ram Resident Of Village - Sohiara, P.S. -
Imadpur, District - Bhojpur, Presently Posted As Electrical Executive
Engineer, Electric Supply Division, Banka

... .. Petitioner/s

Versus

1. Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna
2. The Chairman, Bihar State Electricity Boar, Vidyut Bhawan, Bailey Road, Patna
3. The Joint Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
4. The General Manager-Cum-Chief Engineer, Bhagalpur Electric Supply Area, Bhagalpur
5. The Electrical Superintending Engineer, Electric Supply Circle, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Respondent/s : Mr. Vinay Kirti Singh, Sr. Advocate
Mr. Akhileshwar Singh, Advocate
Mr. Venkatesh Kirti, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 30-07-2024

Heard Mr. Binod Kumar Sinha, learned counsel
appearing on behalf of the petitioner and Mr. Vinay Kirti Singh,
learned Senior counsel along with Mr. Akhileshwar Singh and
Mr. Venkatesh Kirti, learned counsels for the respondents.

2. Learned counsel appearing on behalf of the



petitioner submitted that for burning of Power Transformer of 3MVA in Amarpur block in the District of Banka where the petitioner was posted as, Executive Engineer, the petitioner has been inflicted with two punishments: (i) the financial loss sustained by the erstwhile Bihar State Electricity Board be recovered from the petitioner's salary and (ii) one increment of the salary of the petitioner is withheld because the petitioner has been held responsible for burning of 3 MVA Power Transformer under his jurisdiction. Learned counsel submits that power transformer of 3 MVA was manufactured in the year 1979 and the alleged incidence had taken place on 09.05.2011. The report submitted by the Electrical Superintending Engineer after holding proper inquiry and inspection has found that the said transformer has lived its life and was communicated vide letter no.1342 dated 14.03.2012 to the General Manager-cum-Chief Engineer.

3. Learned counsel based on the report submitted that the transformer has already spent its normal life and the equipment for oil filtration was also not done since long and the petitioner was posted for a short span of time in the year 2009 he cannot be held responsible for any negligence attributable to him. Learned counsel submitted that in spite of the fact that the



petitioner has been imposed minor penalty, the General Manager-cum-Chief Engineer has altogether ignored technical report submitted by the Electrical Superintending Engineer. On these backgrounds, learned counsel submitted that impugned order of penalty cannot be sustained.

4. *Per contra*, learned counsel appearing on behalf of the respondents submitted that the petitioner being the Executive Engineer, who was also a technical person and he has not conducted inspection from time to time and he can only be held solely responsible for the loss caused to the Board as a result of burning of transformer due to his negligence and as such the penalty order cannot be interfered with.

5. Having considered the rival submissions made on behalf of the parties, as well as, the fact which has come in the present case in respect of the transformer of 3MVA which burnt on 09.05.2011, the Electrical Superintending Engineer was directed to hold inquiry and inspection by the General Manager-cum-Chief Engineer of the erstwhile Board. The Electrical Superintending Engineer who in his expert inquiry report has found that one power transformer was installed in the year 1979 and has already spent life span of 32 years and he has also found that for long period of time, oil filtration was not done.



The General Manager without considering the report contained in letter no.1342 dated 14.03.2012 (Annexure 3) had passed the impugned punishment order directing for recovery of the cost of the burnt transformer, as well as, withholding of one increment of the petitioner with non-cumulative effect cannot be sustained considering the fact that the petitioner cannot be held responsible for burning of the transformer and at the same time from perusal of the impugned penalty order, it appears that the General Manager-cum-Chief Engineer has not been able to differ with the technical report submitted by the Superintending Engineer. I find that there is not even a discussion of the report. Accordingly, the penalty order dated 23.07.2012 is set aside and quashed.

6. The power of review of this Court is of very limited nature. Normally, I would have remitted back the matter before the disciplinary authority for considering afresh in light of the law laid down by the Apex Court in the case of **B.C.Chaturvedi V. Union of India & Ors.** reported in (1995) 6 SCC 746. However, considering the fact that the writ petition is pending since the year 2012 and having held the penalty order to be without authority of law, the petitioner, if so advised, may approach the authority for claiming his financial benefit, as a



result of quashing of the penalty order.

7. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.08.2024
Transmission Date	NA

