

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12786 of 2012

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Upendra Raut Son Of Late Raj Kumar Raut Resident Of Mohalla - Prabhu
Thakur Ward No. 9 Rosera P.S. - Samastipur District - Samastipur, At Present
Posted Upur Division Clerk, Tajpur Circle, Tajpur, District - Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner Darbhanga, District - Darbhanga
3. The Collector, Samastipur
4. The District Welfare Officer Cum Conducting Officer, Samastipur
5. The District Development Commissioner, Samastipur
6. The Block Development Officer Waris Nagar Samastipur
7. The Block Education Extension Officer Waris Nagar, Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha, Advocate
For the Respondent/s : Mr.Sumant Kumar Singh, A.C. to G.A.-2

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 23-01-2024

Heard learned counsel appearing for the petitioner
and learned counsel appearing for the State.

2. This writ application has been filed for the
following reliefs:-

(I) For issuance of a writ of certiorari quashing the
order dated 09.08.2011 passed by the Commissioner in Case
No.61/2009-10, whereby the appeal preferred by the petitioner
has been dismissed affirming the order of punishment passed
by the Collector, Samastipur dated 30.01.2010.



(II) For issuance of a writ of certiorari, quashing the order contained in Memo No.168 dated 30.01.2010 passed by the Collector, Samastipur withholding two increments with cumulative effect.

(III) For any other relief(s) for which the petitioner is found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner was posted as Accounts Clerk at Waris Nagar Block and he was also handed over the charge of Head Clerk by order of the B.D.O. dated 27.05.2005, due to transfer of Head Clerk a departmental proceeding was initiated against the petitioner on the charges of antedated entry of letter No.149 dated 31.05.2005 the Block Education Extension Officer, Warisnagar with respect to lifting of preparation by the Public Distribution Shop Dealer, namely, Satnarayan Mahto from Bihar State Food Corporation, Samastipur. Pursuant to the letter of the petitioner, an FIR was instituted and the departmental proceeding was also initiated against the petitioner. A memo of charge was served upon the petitioner vide Memo No.1334 of 24.07.2007 and show cause was asked to him and pursuant to the aforesaid the petitioner has



submitted his show cause on 09.08.2007 the show cause of the petitioner was not accepted and the departmental proceeding was initiated against the petitioner. After completion of the enquiry, enquiry report was submitted on 05.08.2008 and vide Memo No. 2374 dated 07.11.2008 second show cause was asked to the petitioner. Pursuant to the aforesaid, the petitioner has submitted his reply to the second show cause 08.12.2008 but the same was rejected vide order dated 29.01.2010 and the respondent No. 3 awarded punishment of withholding two increments with cumulative effect.

4. The petitioner has preferred an appeal before the respondent No.2 in the Case No.61/2009-10, respondent No.2 has dismissed the appeal of the petitioner and upheld the order passed by respondent No.3.

5. Learned counsel for the State submits that after the fullfledged enquiry the authority has passed the order and there is no infirmity in the order and the order passed after due process of law and after giving the proper opportunity to the petitioner and apart from that, during pendency of the writ application, the increment of salary during suspension period has already been paid to the petitioner.



6. Considering the aforesaid fact, this Court finds no infirmity in the impugned order, accordingly, the writ application is dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2024
Transmission Date	NA

