

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8293 of 2018

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Ugra Mohan Jha Son of late Baleshwar Jha Resident of Village Navtol, Post
Jhanjharpur Railway Station , P.S. Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Water Resources Department, Government of Bihar,
Patna.
3. The Additional Secretary Cum Director, Land Acquisition and Rehabilitation
Department, Bihar, Patna
4. The Director, Department of Land Acquisition and Rehabilitation , Bihar,
Patna.
5. The Under Secretary, Department of Land Acquisition and Rehabilitation,
Bihar, Patna.
6. The Special Land Acquisition Officer, Gandak Project, Muzaffarpur.
7. The Land Acquisition Officer, Muzaffarpur.
8. The Special Land Acquisition Officer, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bhubneshwar Prasad, Adv. Mr. Manoj Kumar Singh, Adv. Mr. Sarbottam Kumar Sarkar, Adv.
For the State	:	Mr. Sudhir Kumar Upadhyay (AC to GP-7)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-05-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for
quashing the order bearing Letter No.164 dated 02.02.2018
(annexed as Annexure-8) issued under the signature of the
Principal Secretary-cum-Appellate Authority, Water Resources
Department, Bihar, Patna as well as for setting aside the Letter
No.682 dated 05.05.2017 (annexed as Annexure-7) issued under



the signature of the Additional Secretary-cum-Director, Department of Land Acquisition and Rehabilitation by which the punishment order has been passed against the petitioner to reduce his pension 15% under section 43(b) of the Bihar Pension Rules, 1950 as punishment.

3. Learned counsel for the petitioner submits that the petitioner was appointed on 10.11.1982 on the post of Amin (Mapak) at Special Land Acquisition Office, Koshi Project, Sakri, Madhubani and thereafter, he was transferred to Special Land Acquisition Swarn Rekha Project Manngo, Jamshedpur from where he was again transferred to the office of the Sakri, Madhubani and then, he was transferred to Chapra Gandak Project and thereafter, he was transferred to the Special Land Acquisition, Gandak Project, Muzaffarpur and lastly he was transferred to the office of the Koshi Project, Darbhanga from where, he retired on 31.12.2012. Counsel further submits that on 12.10.2015, the Director, Department of Land Acquisition and Rehabilitation, Bihar, Patna sent a letter bearing Letter No.1772 showing his involvement by the three man enquiry committee in defalcation of money during the financial year 2009-10 for which a photo copy of an enquiry report was also enclosed and directed to the petitioner to explain regarding the said allegation.



Counsel submits that in pursuant to the Letter No.1772 dated 12.10.2015 issued by the Director, Department of Land Acquisition and Rehabilitation, Bihar, Patna, the petitioner has responded *vide* his reply dated 27.10.2015 saying that all the allegations levelled against him are baseless and incorrect. But, thereafter, a departmental proceeding has been initiated against the petitioner in which he has participated after receiving the charge memo in *Prapatra-K*.

4. Learned counsel for the petitioner further submits that the measurement of the land has been made by another staff and he has only tallied the said land from the register. Counsel submits that at no point of time even after repeated request to provide the original record so that he can show his innocence has not been provided. Counsel also submits that the Disciplinary Authority has held him guilty and then upon receiving the enquiry report, he has filed the second show cause. In the second show cause also, the petitioner has taken the same plea and demanded the supply of original record, but the original record has not been provided to the petitioner and the final order has been passed which the petitioner has challenged before the Appellate Authority and the Appellate Authority has rejected the appeal of the petitioner.



5. Learned counsel for the State on the other hand submits that this Court at the time of hearing such type of cases sitting in Civil Review and scope of Civil Review is very limited as this Hon'ble Court is not sitting in appeal. Counsel submits that there is no violation of natural justice in the departmental proceeding nor there is any violation of Bihar Government Servant (Classification, Control and Appeal) Rules, 2005. Counsel further submits that the allegation of loss of the Government at the tune of Rs.5,02,67,150/- has been made even then the authorities, upon considering the condition of the petitioner that he is retired, only directed for deduction of 15% of his total pension which is appropriate and not excessive.

6. In the light of the submissions made by the parties, this Court finds that the petitioner has failed to raise those points on which the Court may review and hence, this writ petition is hereby dismissed.

(Dr. Anshuman, J.)

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