

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.859 of 2017

=====

Kumari Usha Lata wife of Late Anil Kumar, residents of Village- Naya Tola,
P.S.- Amdabad, Dist- Katihar, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Purnea, Bihar.
3. The District Magistrate-cum-Collector, Katihar, Bihar.
4. The Additional Collector, Katihar, Bihar.
5. The Deputy Development Commissioner, Katihar, Bihar.
6. The Block Development Officer, Amdabad, Dist- Katihar.
7. The Circle Officer, Amdabad, Dist- Katihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Syed Arshad Alam, Advocate Mr. Anjum Perveen, Advocate Mr. P.K. Jha, Advocate Mr. Kamran Fazal, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan, Sr. Adv. (SC-25)

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

9 16-01-2025 Heard Learned Counsel for the petitioner and

Learned Senior Counsel for the State.

2. The present writ petition has been filed with

following reliefs:-

*i. To quash the order dated
28.05.2015 passed in Service Appeal
No. 11/2014 by the learned Divisional
Commissioner, Purnea and the order
dated 28.06.2014 passed by the
District Magistrate -cum- Collector,
Katihar which is communicated vide*



Memo No. 890/Estt dated 30.06.2014 by which the District Magistrate, Katihar had stopped the annual increments of the Petitioner's husband for the entire service period.

ii. To direct the Respondents to give to the Petitioner's husband all the increments that are due to him as per the Service Rule.

iii. To direct the Respondents to pay to the Petitioner's husband interest @ 18% over the arrears of payments that accrues to him after allowing to him all the increment that have been denied by the Impugned order.

iv. To grant any other relief/reliefs for which the Petitioner is entitled under the facts and circumstances of case.

3. Learned Counsel for the petitioner submits that the petitioner's husband was working as Panchayat Secretary of North Karimullapur Panchayat in Amdabad Block of Katihar District during the financial year 2011-12. Allegation was made against the petitioner's husband regarding irregularities committed by him in the distribution of Indira Awaas. A Prapatra-ka was issued, followed by the imposition of a major



punishment to him. Counsel for the petitioner submits that the petitioner challenged the said order before the Appellate Authority. The Appellate Authority passed its final order on 28.05.2015, considering the aspect that the final order has not been passed in proportionate to the role of the petitioner, on the basis of which the departmental proceeding has been initiated, and therefore, in his order he has converted the major punishment into a minor punishment. Counsel submits that the Appellate Authority, on the one aspect, has observed in its order that the petitioner's husband was not entitled for the major punishment and minor punishment was imposed but still the said punishment is not proportionate and on the higher side. Counsel submits that the husband of the petitioner was a Government employee, and the petitioner is entitled for pension by virtue of the said appellate order. However, the pension amount shall be adversely affected. Counsel further submits that the punishment is ultimately a punishment and effect of the appellate order is only that the major punishment has been converted into a minor punishment but effect of the punishment still remains, by which the petitioner shall suffer in the form of lowering of the pension amount.

4. Learned Senior Counsel for the State, on the other



hand, submits that the order passed by the Appellate Authority is a reasoned order and due opportunity was provided to the petitioner's husband prior to passing the said order. Counsel further submits that the present writ petition was filed in the year 2017, i.e., after the death of the petitioner's husband, who was an employee of the State Government during his lifetime. Counsel further submits that the effect of the said punishment has already concluded, and therefore, the present case has become infructuous, as the delinquent has not challenged the said order during his lifetime and after the completion of the period of the punishment order, his wife has now challenged the said order.

5. Upon perusal of the record and hearing the parties, it transpires to this Court that the punishment of "stoppage of three increments" has been imposed upon the petitioner w.e.f from the date of framing of charge which is of the year 2011. Admittedly, the said punishment has ended in the year 2015, whereas admittedly the present case has been filed in the year 2017, meaning thereby, the petitioner's husband, who was delinquent/Government Servant had accepted the punishment and in his lifetime he did not raise any objection on the said punishment but after his death, the petitioner, being his widow,



has now filed the instant case.

6. In the light of the discussions made above, this Court finds that there is no merit in this case. Hence, this writ application is dismissed.

(Dr. Anshuman, J)

Aman Kumar/-

U		T	
---	--	---	--

