

(2018) 09 CHH CK 0312
In the Chhattisgarh High Court
Case No : Writ Appeal No. 711 Of 2018

Bali Ram Chaurasia

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 20-09-2018

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2018) 09 CHH CK 0312

Hon'ble Judges : Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench : Division Bench

Advocate : Manoj Kumar Sinha, Gary Mukhopadhyay

Final Decision : Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. The order of punishment dated 31.03.2008 which was stoppage of two annual increments without cumulative effect as well as recovery of

Rs.1,200/- in two instalments was matter of challenge before the learned Single Judge.

2. The Appellant who was the Petitioner before the writ Court was working as a Headmaster of Government Girls, Middle School, Ludeg under Block

Pathalgaon, District - Jashpur. He came to be put under suspension on 04.02.2005 and a charge sheet was also issued thereafter which culminated into order of punishment as stated earlier.

3. The argument before the learned Single Judge made was that he had already returned back the money of the five students whose scholarship

amount was said to be withheld by him. The explanation offered was that since they were absent from school, the same could not be paid.

4. The learned Single Judge took note of the fact that scholarship money in question was held back by the Appellant for a long period of time. Only

after he came to be suspended and proceed against that he decided to deposit the entire amount on the lame excuse that the students were not coming

to school on a regular basis. In addition to that, it is also argued that he did not get proper opportunity to participate in the enquiry.

5. However, after having had a look at the record, the finding is that the Appellant deliberately chose not to participate in the departmental enquiry /

proceedings on the ground that he did not have proper notice. The defence or the plea which had been taken is basically to reward himself on his

conscience decision not to co-operate in the enquiry, when it was held over a period of time.

6. The fact that the Appellant was put under suspension and a charge-sheet was issued would have set any Government servant on his toes to keep

track of what was being done by the Respondent authorities in furtherance to the action of suspension and the issuance of the charge-sheet.

7. Even otherwise, since the order of punishment is an order of minor punishment which is withholding of two annual increments without cumulative

effect, therefore, a mere so-cause or explanation offered by employee is good enough for the departmental enquiry to take a decision to impose such

kind of punishment.

8. It is also noticed, that the learned Single Judge has held that the Appellant had himself made good the defalcated scholarship amount, but that is

much after the proceeding had already been set into motion which prima-facie amounted to acceptance of the allegation.

9. In view of the above, the Court does not find any serious infirmity which would compel this Court to interfere with the opinion or decision of the

learned Single Judge. In fact, the learned Single Judge had this to say in the concluding paragraph :

9. It is by now a settled position of law that so far as the scope of interference against an order of minor punishment is concerned, the powers of the

High Court under Article 226 are minimized. The same can be interfered only in the event of there being a perversity in the finding of the disciplinary

authority or that the punishment imposed is blatantly disproportionate to the gravity of the offence. From the nature of the proceeding it does not

appear that the finding of the disciplinary authority to be either perverse or contrary to the evidence on record nor can it be said to be disproportionate to the charge leveled against the petitioner.

10. In view of the above, the appeal has no merit. It is dismissed.