
(2002) 07 JH CK 0080
In the Jharkhand High Court
Case No : L.P.A. No. 6 of 1998 (R)

Dharmdeo Prasad

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 09-07-2002

Acts Referred:

Citation : (2002) 07 JH CK 0080

Hon'ble Judges : S.J. Mukhopadhaya, J;Lakshman Uraon, J

Bench : Division Bench

Advocate : M.V. Chandra, for the Appellant; G.P. II and Mukesh Kumar, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya and Lakshman Uraon, JJ.—The writ petitioner-appellant while posted as Block Development Officer, Kataiya, Gopalganj, he was incharge of certain projects. For certain allegations, he was suspended by Departmental Order No. 5424, dated 18th April, 1991. After remaining under suspension for more than one year, it was revoked by departmental order No. 12890, dated 23rd November, 1992, but was proceeded departmentally vide resolution communicated under Memo No. 2/C3- 30321/88-Ka-2147/Patna-15, dated 10th March, 1997 for certain acts of omission and commission.

2. The Division Commissioner-cum-Enquiiy Officer held the petitioner "not guilty" in respect of most of the charges. So far charge No. 4 is concerned, the allegation was found true.

3. In view of aforesaid finding, the State of Bihar vide impugned resolution communicated vide Memo No. 2147, dated 10th March, 1997 imposed minor punishment of "Censor".

4. So far as the period of suspension is concerned, it was order to be treated as "spent on duties" for the purpose of retiral benefits.

5. In the aforesaid background, there being no illegality committed, learned single Judge vide order dated 24th November, 1997 in CWJC No. 1281 of 1997 (R), upheld the punishment order.

6. We find no reason to differ with the finding of the learned single Judge.

7. The counsel for the appellant-petitioner submitted that the appellant had also prayed for his time-bound promotion to the higher grade. However, as both the matters were different - one related of departmental proceeding and other promotion, the learned single Judge did not choose to give any finding in respect of promotion matter. We find no ground to remit the case to the learned single Judge. The appellant may move separately before the competent authority of the Court of Law for his promotion, if it was due.

8. The appeal is dismissed with aforesaid observation. However, there shall be no order as to costs.