
(2002) 10 PAT CK 0027
In the Patna High Court
Case No : L.P.A. No. 1096 of 2002

Kashinath Jha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 10-10-2002

Acts Referred:

Citation : (2003) 1 PLJR 216

Hon'ble Judges : Ravi S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Advocate : Manoj Kumar Singh, for the Appellant;

Final Decision : Dismissed

Judgement

1. This letters patent appeal has been filed against the order dated 29 August, 2002 on CWJC No. 8700 of 2001 : Kashinath Jha v. State of Bihar and Ors.
2. After the departmental inquiry the Petitioner received a minor punishment of withholding one increment for two years and denial of salary for the period of suspension.
3. The Petitioner makes an issue of his absence between the period 28 February, 1999 to 2 March, 1999 whereas the department reckons the Petitioner's absence from 26 February, 1999. The matter relates to the irrigation department. During these periods the canal saw an excess water pass through it and cracks had appeared in the main canal. This matter became the subject matter of an inquiry because the canal was breached with the water spilling over. This had not been monitored by the Petitioner who was deputed on this work. The Petitioner's absence not excluding the day when he apparently was absent, was without leave.
4. The only contention raised before this Court is that the Petitioner should have received an opportunity of hearing before the punishment had been awarded. This submission is off the mark and against the record. The learned Judge has

also noticed in the judgment that there was a departmental inquiry and the Petitioner had replied to the show cause. The Petitioner also accepts and, in fact, refers to a departmental inquiry and a show cause to which he had replied.

5. In the circumstances, after perusing the order of the learned Judge, the Court does not find any error or illegality so as to interfere with it.

6. The appeal is dismissed.