

(2015) 04 JH CK 0103
In the Jharkhand High Court
Case No : LPA No. 280 of 2014

Krishna Deo Singh

APPELLANT

Vs

Heavy Engineering Corporation Ltd. and Others

RESPONDENT

Date of Decision : 07-04-2015

Acts Referred:

Citation : (2015) 3 JLJR 6

Hon'ble Judges : Virender Singh, C.J;P.P. Bhatt, J

Bench : Division Bench

Advocate : Kalyan Roy, for the Appellant; Shresth Gautam, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Virender Singh, C.J.

1. The appellant is writ petitioner (hereinafter to be referred to as the writ petitioner). He was working as a Manager in the respondent-Corporation and looking after the functions of a Revenue Officer at Lower Middle Rank of the hierarchy. His primary job was of collection and realization of the revenue from the real estate of the Corporation. In this regard, he committed certain serious irregularities, for which a memorandum containing of the following charges were served upon him:--

"Charge No. 1:--"The said Shri K.D. Singh failed to examine and process with appropriate care and prudence the case of regularization of unauthorizedly constructed covered area and illegally encroached open area on Plot No. 6, Coal Depot, Sector-II, which is indicative of his action adversely affecting the interest of the Corporation and consequent benefit to the allottee."

Charge No. 2:--"That the said Shri K.D. Singh in an irregular and unauthorized manner got the area, held under unauthorized occupation in the name of the Coal Depot No. 6, Sector-II, verified by his subordinate in a hurried manner on 21.10.2000 ignoring the normal practice of getting the entire area measured by

an Amin and then fixed the monthly rental and also realized the outstanding dues on the basis of the former's incomplete report dated 21.10.2000."

Charge No. 3:--"That the said Shri K.D. Singh most negligently and casually dealt with the case and fraudulently obtained approval on 27.10.2000 for the regularization of only 1296 sq.ft. constructed area while his PPE Act Case filed vide No. TA/RO/2000-561 dated 12.10.2000 against the original allottee and present occupant of the said Coal Depot for unauthorized construction/occupation of a total area of 4494 sq.ft. was pending for disposal in the Court of Estate Officer under PPE Act, and also when he reported to Vigilance on 18.10.2000 of unauthorized occupation of a total area of 4755 sq.ft. (Cover + Open)."

Charge No. 4:--"That the said Shri K.D. Singh willfully and deliberately suppressed the material facts with regard to the total area under unauthorized occupation and the effect of its partial regularization, the area indicated in the PPE Act case and the information given to the Vigilance on 18.10.2000 in his office notes dated 12.10.2000, 21.10.2000 and 25.10.2000 at pages 21-24/N of the relevant file. Thus, Shri K.D. Singh, indulged in gross and serious irregularities by dishonestly getting the Leave & License Agreement executed with the party, with ulterior considerations the mala fides."

An enquiry was conducted against the writ petitioner and consequently a report was submitted on 12.7.2001, a copy thereof was also provided to him to which he submitted his reply on 7.8.2001 and ultimately an order of penalty dated 28.9.2001 awarding him the punishment of reduction to a lower stage of Rs. 8,325/- in the time scale of pay of Rs. 6,500-250-7,500-275-9,425/- from his present basic pay of Rs. 8,875/- was passed, which constrained him to knock at the door of the writ court through the medium of W.P.(S) No. 695/2005, which, now stands dismissed by the learned Single Judge vide his order dated 16.1.2014, being aggrieved thereof, he has preferred the instant Letters Patent Appeal.

2. Heard learned counsel Mr. Kalyan Roy, appearing for the writ petitioner, learned counsel Mr. Shresth Gautam appearing for the respondent-Corporation and have also gone through the writ court record and the impugned judgment.

3. Mr. Roy at the very outset submitted that no doubt the writ petitioner went unrepresented twice before the writ court, but, the learned writ court instead of deciding the case on merits, could dismiss the writ petition in default. In short, learned counsel wants to impress upon that the writ petitioner went unheard before the learned Writ Court.

4. We have heard Mr. Roy at length now and find no infirmity in the impugned judgment calling for any indulgence as the main plank of the argument put across is that the writ petitioner was not afforded any opportunity of being heard after the inquiry was re-opened, which argument falls on the ground for a very simple reason that the writ petitioner had also joined the proceedings even at the

second stage and submitted his reply on 7.8.2001 whereas admittedly the enquiry was reopened much earlier.

5. We note here that despite there being serious charges against the writ petitioner, in fact, a lenient view has been taken in his case by the disciplinary authority, while imposing aforesaid penalty, which aspect has also been noticed by the learned Writ Court. Finding the instant appeal being devoid of any merit, it deserves to be dismissed. Ordered accordingly.