
(2005) 08 JH CK 0021

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3649 of 2002

Nakul Tiwary

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 22-08-2005

Acts Referred:

Citation : (2005) 4 JCR 387

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Jitendra Nath, for the Appellant; Sheela Prasad, G.P IV, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—After departmental enquiry petitioner was punished by an order No. 3109, dated 19th August, 1999 issued by DIG of Police, South Chhotanagpur Range, Ranchi. He was compulsorily retired from service, the charge of taking bribe of Rs. 2000/- (Two thousand) from one Pramod Kumar Sinha, cook, at the time of opening of his service book having been proved. The appellate authority having rejected the memorandum of appeal by order No. 63, dated 9th February, 2002, the petitioner has challenged both the aforesaid orders in this case.

2. Though the writ petition was preferred on 1st July, 2002, but details relating to departmental proceeding was not pleaded nor any specific plea was taken on assail the orders. A vague plea was taken that he has been denied natural justice.

3. The learned counsel for the petitioner submitted that no second show cause notice was served on the petitioner not the copy of the complaint made by the complainant was handed over to the petitioner. Though such submission was made but no pleading having been made, in the interest of justice, the Court directed the respondents to produce the relevant file relating to departmental proceeding.

4. From the file and records produced, the following facts emerge :

While the petitioner was posted as Assistant Sub-Inspector of Police, Ranchi, a departmental proceeding No. 25 of 1998 was initiated against him. One Sri Pramod Kumar Sinha, cook, posted under him alleged that, the petitioner demanded bribe amounting, to Rs. 2000/- (Two thousand) to open his service book, which was paid and accepted by petitioner. One Sri Dinesh Rajak, Inspector-cum-Officer Incharge, Kotwali police station, Ranchi, was appointed as enquiry officer. He issued notices on petitioner and heard the case. It was also adjourned on number of dates; total about 20 dates were fixed. The petitioner appeared and after hearing the parties and on appreciation of evidence the enquiry officer submitted his report. The complainant, Sri Pramod Kumar Sinha appeared and deposed as witness and supported the allegation of demand and payment of bribe to the petitioner for opening service book. His statement was also corroborated by other witnesses. The enquiry Officer by his report, as contained in letter dated 20th January, 1999 held the petitioner guilty of the charges.

5. A show-cause notice was issued, thereafter, on the petitioner having Memo No. 3265, dated 1st July, 1999, enclosing the copy of the enquiry report and he was asked to reply as to why he be not retired compulsorily from the services of the State having been found guilty in the departmental proceeding. The petitioner, thereafter submitted his reply on 14th July, 1999, whereinafter, the Deputy Inspector General of Police, South Chhotanagpur Range, Ranchi, issued order of compulsory retirement, which was also affirmed by the appellate authority.

6. Having heard counsel for the parties and on perusal of the records, I find no ground made out to interfere with the order of punishment or the appellate order.

7. So far as quantum of punishment is concerned, the punishment of compulsory retirement for taking bribe cannot be held to be " disproportionate. In fact, a lenient view seems to have been taken by the authority.

8. There being no merit in this writ application, it is, accordingly, dismissed. However, there will be no order as to the costs.

9. Let the original file of Ranchi District Departmental Proceeding No. 25 of 1998 be handed over to the learned counsel for the State.