

(2025) 08 JH CK 0800
In the Jharkhand High Court
Case No : Writ Petition (S) No.3647 of 2025

Neerja Kujur

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 13-08-2025

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2025) 08 JH CK 0800

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Advocate : Abhijeet Kr. Singh, Pinky Tiwary

Final Decision : Disposed Of

Judgement

Ananda Sen, J

1. Heard the parties.
2. The petitioner by filing this writ petition has challenged the show-cause notice / memo of charge whereby the petitioner has been proceeded against departmentally, for committing financial irregularities.
3. Learned counsel for the petitioner submits that no departmental proceeding can be initiated against the petitioner after superannuation in absence of any rule to that effect. He further submits that there is no financial irregularity as the money was disbursed pursuant to the policy decision of the State and thereafter the same was recovered also thus there is no loss to the State.
4. Learned counsel appearing on behalf of the State submits that merely a show-cause notice / memo of charge has been served. Though the provision of law has not been mentioned but considering the contents of the same and the fact that the petitioner has superannuated, it is clear that the same is initiated under Rule 43(b) of the Jharkhand Pension Rules which can be invoked even after superannuation of the employee as there is an allegation of financial irregularities

causing loss to the State. She lastly submits that the petitioner should appear before the Inquiry Officer and place all his defence before them.

5. After hearing the parties, I find that a show cause notice / memo of charge has been handed over to the petitioner. As per the show cause notice / memo of charge there is an allegation of financial irregularities. Rule 43(b) of the Jharkhand Pension Rules provides for initiation of proceeding even after superannuation, if there is financial loss to the employer.

6. Be that as it may, merely a proceeding has been initiated in this case. The petitioner has to appear before the authority and satisfy the authority that what the petitioner has done is as per the law and there is no loss to the employer.

7. This Court at the very initial stage, exercising jurisdiction under Article 226 of the Constitution, cannot act as Inquiry Officer.

8. Thus, I dispose of this writ petition directing the petitioner to appear before the Inquiry Officer and take all the defence available to the petitioner including the points raised in this writ petition which should be considered by the authority in the departmental proceeding. Thus, I am not inclined to interfere with the memo of charge.

9. I.A. No. 8844 of 2025 also stands disposed of.