
(2002) 11 JH CK 0007

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3786 of 2001

Ram Prakash Sharma

APPELLANT

Vs

B.S.R.T.C. and Others

RESPONDENT

Date of Decision : 27-11-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 1 JCR 518

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : Jaya Roy, for the Appellant; P.P.N. Roy, for the Respondent

Final Decision : Allowed

Judgement

Tapen Sen, J.—Heard Mrs. Jaya Roy, learned counsel for the petitioner and Mr. P.P.N." Roy, learned senior counsel for the B.S.R.T.C.

2. From a perusal of the enquiry report which was placed by the learned counsel for the petitioner it appears that the enquiry officer did not find anything against the petitioner save and except suspicion. What is interesting is that the same suspicion was also recorded in relation to the then Depot Superintendent, Divisional Manager, Junior Foremen, Chowkidar alongwith the petitioner. Surprisingly for such a mere suspicion the petitioner has been dismissed, from service and upon enquiry, Mrs. Jaya Roy states that nothing whatsoever has been done in relation to the senior officers, i.e., Divisional Manager and other officers mentioned above. Prima facie, therefore, the punishment of dismissal inflicted upon the petitioner appears to be extremely harsh and that too when the charge relates to the missing of an alternator and one micro self starter. It is also harsh taking into consideration the enquiry report which merely reports suspicion against the petitioner alongwith the aforesaid other senior officers of the corporation against whom no action has been taken, as stated. For the reasons aforesaid, this Court therefore, is satisfied that the punishment of dismissal from service is extremely harsh and the same requires to be set aside.

3. Accordingly, the writ application is allowed and the impugned order of dismissal dated 19.5.2000 as contained at Annexure 7 is set aside. The matter is remanded to the Administrator of the Bihar State Road Transport Corporation (Respondent No. 2) to reconsider the matter in accordance with law and take into consideration as to whether a lesser punishment would be sufficient to meet the ends of justice. Since this is a matter of dismissal and since the petitioner has been under suspension since the year 1988, it is therefore desirable that the matter be expeditiously decided but not later than six months from the date of receipt of a copy of this order.

4. With the aforementioned observations and directions, this writ application is allowed. However, there shall be no order as to costs.