
(2005) 08 JH CK 0040

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5824 of 2002

Ramashish Prasad Singh

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-08-2005

Acts Referred:

Jharkhand Service Code, 2001 — Rule 74

Citation : (2005) 4 JCR 87

Hon'ble Judges : Altamas Kabir, C.J.;R.K. Merathia, J

Bench : Division Bench

Advocate : Rajiv Ranjan and Krishna Murari, for the Appellant; R.S. Majumdar and A.R. Choudhary, for the Respondent

Final Decision : Dismissed

Judgement

Altamas Kabir, C.J.—The petitioner was appointed as Munsif and was posted as Judicial Magistrate, Arrah, in the year 1976. In due course of his service, the petitioner was confirmed in the post of Munsif with effect from 3rd July, 1985 and was assigned the work of Judge In-charge Nazarat and administrative department of Hajipur. While posted at Seraikella, he was selected for appointment to the post of Deputy Registrar in the Central Administrative Tribunal (CAT) at its principal bench in Delhi by order dated 14th December, 1992. He was sent on deputation to the Patna Bench of the CAT and after completion of his deputation, the petitioner was transferred and posted at Chapra as Judicial Magistrate, 1st Class.

2. While the petitioner was posted at Chapra, one Prabhu Nath Singh entered into the petitioner's residence in the Judicial Officer's Colony at about 10.15 a.m. on 7th July, 1995 from where he was arrested by the Police. On the next date, a new item was also published in this regard. Thereafter, the petitioner was served with a letter dated 27th July, 1995 written by the District Judge seeking an explanation regarding the circumstances in which the said Prabhu Nath Singh was reported to have been arrested from the petitioner's official residence.

According to the petitioner, inspite of the explanation given by him that the said Prabhu Nath Singh had suddenly rushed into his residential quarters fearing a police encounter and his life, the petitioner was served with a notification posting him as the Additional Munsif, Chatra in the Judgeship of Hazaribagh. The petitioner joined the demoted post on 13th September, 1995 and thereafter wrote to the Jharkhand High Court that he should be granted promotion. Not only was such representation kept pending but in addition the petitioner was rated as an officer of below average by the Inspecting Judge of the Judgeship of Saran in 1995.

3. In the meantime, the petitioner was transferred to Sitamarhi in the month of May, 1999 and since his earlier representation did not evoke any response, the petitioner submitted a supplementary representation on 8th June, 1999, which was rejected by the District Judge. The petitioner made a fresh representation to the High Court at Patna for re-consideration of his case for promotion to the post of Sub-Judge which was also rejected by the Standing Committee of the Court. Thereafter the State of Jharkhand was bifurcated and the services of the petitioner was provisionally allotted to the State of Jharkhand and the petitioner was directed to join at Godda in the capacity of Munsif. After joining at Godda, the petitioner again made a representation to the High Court, but soon thereafter, the petitioner was served with an order dated 17th July, 2001 passed by the Deputy Secretary, Department of Personnel, Administrative Reforms, Government of Jharkhand, compulsorily retiring him from service under the provisions of Rule 74(b)(ii) of the Jharkhand Service Code.

4. Aggrieved by the said order, the petitioner has moved the instant writ application and has contended that despite his long and meritorious service, he had not only been wrongly denied the benefit of promotion, but had also been subjected to compulsory retirement.

5. Appearing the support of the writ petition, Mr. Rajiv Ranjan contended that the petitioner had been condemned in respect of an incident over which he had no control. Mr. Rajiv Ranjan submitted that prior to the sudden appearance of Sri Prabhu Nath Singh in the petitioner's residential premises, without his knowledge or consent, the petitioner's service was without any blemish. The sudden appearance of Prabhu Nath Singh was not of the petitioner's making and he could not, therefore, be held liable for the same. Mr. Rajiv Ranjan submitted that, on the other hand, it is because of the letter written by the petitioner that the said Prabhu Nath was apprehended from the petitioner's resident. Mr. Rajiv Ranjan submitted that there was, in fact, no adverse report against the petitioner, which could have prompted the authorities to not only punish the petitioner, but to subsequently deny him promotion to the higher post to which he was entitled. Mr. Rajiv Ranjan submitted that the petitioner's repeated representations were not properly considered by the Court and this led to an injustice ultimately resulting in the order by which the petitioner was compulsorily retired from service.

6. Appearing on behalf of the High Court of Jharkhand, Mr. Majumdar submitted that from the Annual Confidential Report of the petitioner's entire service career, it would be seen that the petitioner was of intemperate nature and his integrity was also found wanting. The petitioner's performance was not only average, but his behavior was a continuous cause for complaint by the judicial officer, staff and members of the Bar.

7. Mr. Majumdar submitted that matters reached a head when Prabhu Nath Singh, a wanted criminal, was found and arrested from the petitioner's residential quarters and the explanation given by him in that regard was not found to be satisfactory. The petitioner was demoted to the post of Additional Munsif, which was not even contested by him and he joined his demoted post without any demur. Mr. Majumdar urged that this is not a case which warranted interference by the High Court.

8. Of all the cases of compulsorily retirement that we have heard recently, this a possibly a case, which deserves the least sympathy on account of the consistent ill repute generated by the petitioner in connection with his normal functioning. During his service career, the petitioner had not only succeeded in antagonizing all those who came in contact with him, but also acquired a reputation for dishonesty. The decision taken by the High Court to recommend compulsory retirement in the petitioner's case was on the basis of the subjective satisfaction arrived at by the High Court on an evaluation of the petitioner's total service career, which, in our view, does not merit any interference.

9. The writ application is, accordingly, dismissed. There will, however, be no order as to costs.

R.K. Merathia, J.

10. I agree.