
(2008) 06 JH CK 0080
In the Jharkhand High Court

Smt. Sona Kumar Arya

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 27-06-2008

Acts Referred:

Citation : (2008) 4 JCR 112

Hon'ble Judges : Ajit Kumar Sinha, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ajit Kumar Sinha, J.—This present writ petition has been preferred by the writ petitioner for issuance of an appropriate writ/order or direction in the nature of certiorari for quashing the order dated 11.5.2001 issued by the District Superintendent of Education, Ranchi, whereby and whereunder his suspension order has been revoked with the following punishments:

(I) Salary for the period from 19.1.2000 and 22.1.2000 shall not be paid.

(II) Withholding two Annual Increments with cumulative effect.

(III) Nothing shall be paid to the petitioner for the period of suspension except subsistence allowance and also for quashing of order dated 16.8.2002 issued by the Commissioner, Chotanagpur Division vide memo No. 690 whereby and whereunder the appeal of the petitioner was rejected.

2. I have heard the arguments at length.

3. The disciplinary authority vide its order dated 11.5.2001 imposed a major penalty as aforesaid, finding him guilty and the same is not a speaking order. However, the appeal preferred before the learned Cdmmissioner, South Chotanagpur, Ranchi itself clarified that out of the four charges, only one charge which relates to late arrival for duty, is maintainable and rest are not even maintainable. The appellate authority also records that the petitioner had not lodged FIR for loss of attendance register. The fact remains that no enquiry

report was served upon the petitioner and the appellate authority has also committed error apparent on record by saying that the FIR was not registered for loss of attendance Register whereas the fact remains the FIR was registered on 23.1.2000. It will be evident on appreciating the aforesaid orders passed by the authorities that they are not only self-contradictory but also erroneous on the face of it. On this ground itself the impugned order deserves to be quashed.

4. Even according to the appellate authority the only charge maintainable was that the petitioner came late and went early but no specific date, time or anything has been mentioned. And thus, this charge prima facie appears to be flimsy and unsustainable. The fact remains that if any order which is punitive in nature has to necessarily comply with the cardinal principle of natural justice. In the instant case even the enquiry report was not given to the petitioner.

5. In the aforesaid background the impugned orders dated 11.5.2001 and 16.8.2002 passed by the District Superintendent Education, Ranchi and the Commissioner South Chotanagpur, Ranchi respectively deserve to be quashed.

This writ petition is accordingly allowed without any order as to costs.