
(2008) 05 PAT CK 0057
In the Patna High Court

State of Bihar and Others

APPELLANT

Vs

Radhey Shayam Prasad Singh

RESPONDENT

Date of Decision : 13-05-2008

Acts Referred:

Citation : (2008) 119 FLR 75 : (2009) 1 LLJ 287 : (2008) 3 PLJR 171

Hon'ble Judges : Shiva Kirti Singh, J;J.N. Singh, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Shiva Kirti Singh and J.N. Singh, JJ.—Heard learned Counsel for the appellant/ State of Bihar and learned Counsel for the respondent/employee.

The writ petitioner (respondent herein) was awarded certain punishments in a disciplinary proceeding under Rule 55-A of the Civil Services (Classification/ Control and Appeal) Rules, 1930. The writ Court has allowed the writ petition and quashed the order of punishment after noticing that in the order of punishment it is indicated that punishment was being imposed on account of irregularity in the matter of earth work as reported by the Flying Squad in respect of particular Division in the year 1985-86-87 and after further noticing that undisputedly while posted at Konar Canal Sub-division No. 1, Bagodar the petitioner had never conducted or supervised any earth work.

2. Even in the Letters Patent Appeal in paragraph-7 it is admitted that the charge in respect of the writ petitioner was connected with tiles work and not earth work.

3. In paragraph-8 of the L.P.A. it has further been clarified that the earth work relates to Konar Canal Division, Dumri whereas tiles work relates to Konal Canal Division, Bagodar, the place where the writ petitioner was posted at the relevant time.

4. A perusal of available materials show that there is no finding to show that charges in relation of tiles work where the writ petitioner was posted at the time

were found proved or that the petitioner was involved with any omission of commission to show misconduct or any dereliction of duty on his part.

5. Thus, on a perusal of the available materials we find no good reason to interfere with the order of the writ Court wherein it has been held that the order of punishment in respect of the writ petitioner has been passed on account of non-application of mind.

6. As a result, we find no merit in this appeal. It is, accordingly, dismissed but without costs.