
(2012) 09 AHC CK 0235

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 18833 of 1997

Udai Narain Chaube

APPELLANT

Vs

Superintendent of Distt. Jail and Others

RESPONDENT

Date of Decision : 13-09-2012

Acts Referred:

Citation : (2013) 1 ALJ 620 : (2013) 2 AWC 1273

Hon'ble Judges : Rajes Kumar, J

Bench : Single Bench

Advocate : N.D. Shukla, A. Rai, N. Kumar, N.I. Shukla and S.C. Mishra, for the Appellant;

Final Decision : Dismissed

Judgement

Rajes Kumar, J.—The petitioner was the barrack incharge of barrack No. 2-A (the juvenile barrack) of District Jail, Jaunpur. On 29.10.1995 when the accident took place at 15.15 p.m. It appears for the purpose of cleaning the barrack, the petitioner brought out the prisoners including one Sri. Kirti Gupta. After 15 minutes Sri. Kirti Gupta requested for to go toilet for which the petitioner permitted. In the toilet, it appears that Sri. Kirti Gupta tried to commit suicide by throwing kerosene on his body and set fire. Later on in the absence of any medical aid he died. The petitioner was suspended on 03.11.1995 and the inquiry proceeding was initiated. The charge-sheet dated 21.11.1995 was provided to the petitioner which was replied on 28.11.1995. The Enquiry Officer in its report has held that the petitioner was responsible for such incident and held that the charges levelled against the petitioner were proved. On the basis of enquiry report a show-cause notice was given by the disciplinary authority which was replied on 09.07.1996 and on the consideration of the enquiry report and the reply filed by the petitioner, by the impugned order, the petitioner has been punished by withholding three increments. Aggrieved by the said order the present writ petition has been filed.

2. Learned counsel for the petitioner submitted that in the similar situation in the

case of Sri. Ram Bhikari Ram Head Warder was also held responsible, but the disciplinary authority has not accepted the enquiry report and had only punished him by censor entry in the character roll, while the petitioner though stands on the same footing has been punished.

3. I do not find any substance in the argument of learned counsel for the petitioner.

4. The disciplinary authority while passing the order in the case of Sri. Ram Bhikari Ram has given reason for not accepting the enquiry report. It is stated that Sri. Ram Bhikari Ram was posted as a Circle Head Warder, whose responsibility was to give hourly report of the numbers of the prisoners. Over him there was one Chief Warder Sri. Heera Lal. Sri. Ram Bhikari Ram after taking the charge at 15.00 p.m. has to go to barrack No. 2-A after an hour. While the incident took place on 15.15 pm, when Sri. Udai Narain Chaube was posted in barrack No. 2-A and on calling by Sri. Udai Narain Chaube, he (Sri. Ram Bhikari Ram) run and helped in getting the fire extinguished and reported to the Chief Head Warder Sri. Heera Lal, requested for calling the doctor and compounder, in this way he has discharged his responsibility and has not violated any of the clause of the jail manual. While in the case of petitioner, it was found that when the accident took place at 15.15 p.m. he was the in charge of the barrack No. 2-A and the incident took place when he was on duty. He was charged with the allegation that he has not verified/checked the belongings of the prisoners and had allowed Sri. Kirti Prakash Gupta for toilet to go out side the barrack without verification/checking of his belongings which resulted the accident.

5. In this circumstance he has been held responsible for not discharging his duty properly which was assigned to him. On this fact the disciplinary authority has held that he has violated the paragraphs 776 (6), 1118 (3,8) and 1194 (BCG) of the jail manual.

6. On the facts and circumstances stated above, I do not see any reason to interfere in the impugned order in the writ petition. The petition fails and it is dismissed.