

State of Bihar and ors. Vs. Radhey Shayam Prasad Singh

State of Bihar and ors. Vs. Radhey Shayam Prasad Singh

SooperKanoon Citation : sooperkanoon.com/129099

Court : Patna

Decided On : May-13-2008

Judge : Shiva Kirti Singh and J.N. Singh, JJ.

Appellant : State of Bihar and ors.

Respondent : Radhey Shayam Prasad Singh

Disposition : Appeal dismissed

Judgement :

Shiva Kirti Singh and J.N. Singh, JJ.

1. 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.