

Ramanuj Singh Vs. the State of Bihar and ors.

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Court : Patna

Decided On : May-22-2007

Judge : J.N. Bhatt, C.J. and Shailesh Kumar Sinha, J.

Appellant : Ramanuj Singh

Respondent : The State of Bihar and ors.

Disposition : Appeal dismissed

Judgement :

J.N. Bhatt, C.J.

1. This Letters Patent appeal under Clause 10 of the Letters Patent of the Patna High Court is directed against the judgement of the learned Single Judge, dated 14.12.2006, passed in a writ petition, bearing CWJC No. 11258 of 2000, whereby and whereunder, the writ petition came to be dismissed.

2. The conspectus of the material facts may be highlighted at this stage. The appellant-original writ petitioner came to be appointed on the post of Warden in Jail on 27.12.1977. Thereafter, he came to be promoted to the post of Jail Clerk. The appellant-original (SIC) writ petitioner was departmentally dealt with for dereliction in duty. In that, the Jail Department, alleged that one convict, Basudev Singh, was released from Siwan Jail on a forged release order. The appellant was found responsible. A criminal case was also instituted against the appellant-original writ petitioner but in that criminal case, the department did not succeed. As

aforesaid, departmental, proceedings were initiated on the charge of indulgence of the appellant in negligence of his duty and, ultimately, he was punished in the departmental proceedings.

3. The appellant - original writ petitioner filed a writ petition, bearing CWJC No. 3413 of 1998, challenging the order of punishment, dated 15.1.1994, recorded by the Inspector General (Prisons), Bihar, by which the petitioner has been awarded punishment of reduction of his salary to his initial stage in the pay scale of Rs. 1200-1800. The said writ petition was disposed of by this Court on 14.9.1999 with liberty to the petitioner to file a fresh representation before the appropriate authority in terms of Rule 192 A of the Jail Manual. Though the petitioner filed a representation but he was unsuccessful.

4. It may be noted at this stage that the scope of jurisdictional sweep of the provisions of Article 226 of the Constitution of India for judicial review of departmental actions is circumscribed. The writ jurisdiction is not to be treated as an appellate authority. In a writ jurisdiction, the main anxiety should be to consider as to whether the decision making process adopted and undertaken by the authorities is, in any way, influenced or fettered. If not, ordinarily, the Writ court will not interfere. This is not the quality of the evidence that matters. What matters is the manner and mode in which the inquiry is held and conducted before imposing the departmental punishment. We do not find any infirmity in the departmental proceeding and, therefore, the learned Single Judge is justified in his conclusion on this point. Merely raising of plea of mala fide at the fag end is not enough. Mala fide has to be pleaded and shown from the record and it has to be proved. Mere allegation is not enough.

5. Therefore, the plea of mala fide at this stage is, also, not found with any substance.

6. This will lead us to consider the qualification of the punishment awarded to the appellant-original writ petitioner in the departmental proceedings. Ordinarily, it is for the master to decide the size and type of punishment proportionate to the delinquency established against the employee. However, it may be noted that the Court can interfere on the ground of disproportion of punishment in a given case, if

punishment imposed on the employee is found to be shockingly disproportionate to the delinquency, which is not the fact scenario in the present appeal. If a person, who is working in the administration of jail, helps a convict and is found delinquent in the departmental proceedings for indulging in the negligence and dereliction of duty, is imposed with the penalty of reduction of his salary to the initial stage in the pay scale of Rs. 1200-1800, by no stretch of imagination, it could be said to be disproportionate to the established delinquency of the appellant-original writ petitioner. Therefore, the plea of punishment being disproportionate to the delinquency established is also not found acceptable.

7. In the result, this letters patent appeal shall stand dismissed. No costs.

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