

Ramnarayan Singh Vs. State of Jharkhand and ors

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Court : Jharkhand

Decided On : Sep-17-2012

Appellant : Ramnarayan Singh

Respondent : State of Jharkhand and ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI ----- L.P.A. NO.276 of 2012
----- Ramnarayan SinghAppellant. --Versus --- State of Jharkhand & Ors.
....Respondents. --- CORAM : HON'BLE THE CHIEF JUSTICE HON'BLE MRS.
JUSTICE JAYA ROY ----- For the Appellant : M/s.Dr.S.N.Pathak & Fayyaz Ahmad,
Advocates. For the Respondents : J.C. to A.G. ----- Order No. 05 Dated :17th
September, 2012 Heard learned counsel for the parties. The petitioner-appellant is
aggrieved against the judgment dated 26.04.2012 by which the writ petition of the
petitioner challenging the order dated 14.02.2002 passed by Director General cum
inspector General of Police, Jharkhand affirming the order dated 27.02.2001
passed by the Inspector General of Police, Jharkhand and the order dated
17.04.2001 passed by Superintendent of Police, Pakur have been dismissed.
Learned counsel for the appellant vehemently submitted that the petitioner-
appellant was not supplied with the enquiry report and, therefore, prejudice has
been caused to the writ petitioner. It is also submitted that Hon'ble Supreme Court
in the case of Shriyans Prasad Jain Vs. Income Tax Officer & Ors., reported in
1993(4) SCC 72.which is a Constitution Bench judgment has taken a view that
non-supply of the enquiry report itself cause prejudice to the delinquent officer. It is
submitted that the petitioner-appellant admittedly has not been supplied with the

enquiry report and this point was raised by the appellant even before the appellate authority who did not reject petitioner's said plea and has not passed any order on this ground. It is also submitted that in view of the above reason the disciplinary proceeding stands vitiated. Learned counsel for the appellant also submitted that the appellant served for a very long period and looking to the allegation's vagueness that what the petitioner uttered has not been mentioned, therefore, in that situation also a lenient view may be taken as has been taken by the Hon'ble Supreme Court in the case of Hussaini Vs. Hon'ble Chief Justice of High Court of Judicature at Allahabad, reported in 1985(1)SCC 12.and therefore, in this case also in place of such harsh punishment a lessor punishment can be awarded to the petitioner-appellant, if the Court finds no merit in the challenge to the findings recorded by the disciplinary authority. It is also submitted that even in the alternate, the petitioner-appellant can be punished with the punishment of compulsory retirement in place of dismissal from service. We have considered the submission of the learned counsel for the appellant and perused the allegation levelled against the petitioner. We are of the considered opinion that the allegations levelled against the petitioner are not vague and mere non-mentioning of the language which he has used while abusing his colleague and officer will not effect the guilt of the writ petitioner in view of the details of the fact given in the memo of charges which clearly indicate that he has not tried to save one person who was found totally drunken as well as he tried to abuse the officer and also tried to instigate the person by calling the caste. In view of the above reason, we are of the considered opinion so far as merit of the case is concerned that fact cannot be disputed that the petitioner has committed serious misconduct. Learned counsel for the appellant was very fair in admitting that after the judgment delivered in the case of Shriyans Prasad Jain Vs. Income Tax Officer, reported in 1993(4) SCC 72.in several judgments the Supreme Court has taken view that mere non-supply of enquiry report itself will not result into prejudice to the employee and he has to prove that prejudice has been caused to such employee. In view of the above reason, no case is made out for interference with the order passed by the learned Single Judge or the disciplinary authority and the appellate authority. It is also not a fit case for interference in the award of the punishment as we are of the considered opinion that punishment awarded to the writ petitioner is

not disproportionate to the guilt but it is proportionate to the guilt. Thus, there is no merit in this L.P.A which is accordingly dismissed. (Prakash Tatia, C.J.) (Jaya Roy, J.) Biswas/SI

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