

In The Court of Commissioner, Saran Division, Chapra

Service Appeal No. 160/2015

Sanjay Kumar  
Vrs.

The Collector, Saran

ORDER

26.02.2016 - The instant appeal petition is directed against the impugned order as contained in memo No. 627/Est. dated 16.05.2015, passed by District Magistrate, Saran whereby and whereunder the appellant was imposed with the punishment of bringing him to the initial stage of pay of the time scale for three years with non-cumulative effect.

The brief facts of the case are that Sanjay Kumar S/o Lal Bahadur Sahi R/o Village- Lahladpur, P.S.- Janta Bazar, Dist- Saran, at the relevant time, was posted as Revenue Karmchari in Amnour Anchal of Saran district. Further case is that pursuant to a report of Sri Kumar Maglam, Senior Deputy Collector, Saran to the effect that the appellant was found responsible for issuing rent receipts after the Dakhil-Kharij of some lands in favour of one Dharmnath Singh after much delay despite order made by C.O., Amnour in the concerned records of Dakhil-Kharij. Thereafter for the alleged charges he was placed under suspension by the D.M., Saran vide Memo No. 103 dated 10.08.2013 on the said report and subsequently charges were framed and Dept. Proceeding was ordered vide Memo No. 794 dated 28.07.2014 by D.M., Saran. After the completion of the said Dept. Proceeding, the conducting officer, the DCLR, Marhaurah, submitted his report on 10.03.2015 and the D.M., Saran, as disciplinary authority, acting on the said inquiry report, inflicted the above mentioned punishment on the appellant.

On being aggrieved by and dissatisfied with the above mentioned punishment order, the appellant has preferred this appeal petition before this court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the appellant, at the very outset of his argument, submitted that the impugned punishment order and its consequential effect seem to be much more as the appellant has been reverted back on the initial stage of his pay in time scale pay for a minor offence of issuance of rent receipts belatedly. He further argued that, although, the appellant sought for certain documents in connection with the charges framed against him and he also cited the various case laws in support of that but the said documents were not supplied to him which itself vitiates the entire dept. proceeding and the subsequent punishment inflicted upon the appellant and the instant appeal becomes fit to be allowed. He further assailed the impugned order by saying that the said punishment order has been passed without considering the facts and circumstances of the case and even the document



filed before the inquiry officer that the complainant does not have any grievance with the appellant has not been taken into account. He lastly submitted that in view of the various rulings of Hon'ble High Court and Apex Court which were mentioned by the appellant in his show cause reply has not been considered at all as such the impugned order of D.M., Saran is fit to be set aside.

The learned Govt. pleader appearing on behalf of the D.M., Saran, on the other hand, strongly supported the impugned order and submitted that the said impugned order is reasoned and legal having no infirmity. On the point of quantum of punishment, he categorically denied that the said punishment is excessive vis-à-vis the alleged charges found against the appellant and which have been also proved in inquiry. He lastly said that since the charges have been proved in the duly conducted dept. proceeding, and punishment has been awarded thereafter, there remains hardly any ground for interfering with the said order of punishment.

Considering the facts and circumstances of the case, material available on records pleadings made by the learned counsel for the parties and on perusal of the impugned order, it is seen that the appellant was found guilty in a duly conducted dept. proceeding for the alleged charges of misconduct or for that matter causing inordinate delay in issuing the rent receipt to a person despite, he being directed by the concerned C.O. to issue the same in the case record relating to Dakhil-Kharij. Obviously, I do not find any aberration in the said punishment order. The only contention of the appellant is that as the person who initially complained against him subsequently given in writing that he had no any grievance against the appellant but the same has not been considered either by the conducting officer or the disciplinary authority. I do not find much substance in the said pleading as the same appears to have been a after thought ploy adopted by the appellant in his defense. So far as the contention relating to quantum of punishment is concerned that the same is not in conformity with the gravity of offence, the learned counsel miserably failed to formulate any sound reasoning to contradict the same so as to enable this court to make any interference in the said punishment order.

For the aforementioned reasons, I am constrained to uphold the impugned punishment order dated 16.05.2015 of D.M., Saran and accordingly the same is upheld. This appeal petition being devoid of any merit is dismissed accordingly.

Dictated and Corrected by me.

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26.2.16  
Commissioner,

Saran Division, Chapra

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Commissioner,

Saran Division, Chapra