IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 551 of 2022

Paras Kumar, aged about 63 years, son of late Ram Janam Singh, resident of Narayan Niwas, Mohalla- Morabadi, P.O. + P.S. Bariatu, Dist. Ranchi Jharkhand. .... **Petitioner**

Versus

1. The State of Jharkhand.
2. The Secretary, Road Construction Department, Government of Jharkhand, Government of Jharkhand, having its office at Project Building, Dhurwa, P.O. and P.S. Jagannathpur, Dist. Ranchi.
3. The Joint Secretary, Road Construction Department, Government of Jharkhand, having its office at Project Building, Dhurwa, P.O. and P.S. Jagannathpur, Dist. Ranchi.
4. The Under Secretary, Road Construction Department, Government of Jharkhand, having its office at Project Building, Dhurwa, P.O. and P.S. Jagannathpur, Dist. Ranchi.
5. The Accountant General, Jharkhand having its office at A.G. Colony, Doranda, P.O. and P.S. Doranda, Dist. Ranchi.

.... **Respondents**.

CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner	:	Mr. Sunil Singh, Advocate
For the Respondents	:	Mr. Pradeep Kumar, AC to AAG-IV
		Mr. Sudarshan Shrivastava, Advocate
		Mr. Rupesh Singh, Advocate
		Mr. Harshit Sahay, Advocate

07/ 04.05.2026 The instant writ application has been preferred by the petitioner with following prayers:

> ***(a)*** *For quashing the order of punishment as contained in Memo No. 1294(S) dated 30.03.2021 (Annexure-12) issued from the Road Construction Department, Govt. of Jharkhand; whereby and whereunder the punishment of permanent deduction of 20% from the amount of his pension has been inflicted upon him, which is arbitrary. illegal and unconstitutional besides being violative of Article 21 of the Constitution of India.*
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> ***(b)*** *Further, to declare and hold that since no proceeding has been conducted as per Rule 55 of the CCA Rules 1930, the whole proceeding is void ab initio being hit by "No Evidence" as neither any memo of evidence has been supplied, nor any document has been exhibited, nor any witness has been examined during whole proceeding to substantiate the alleged charges.*
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> ***(c)*** *Further to declare and hold that since more than ten years, no final order was passed in spite of specific direction of this Hon'ble Court vide order dt. 17.11.2009 in W.P.(S)No.3515/2009 (Annx-4), to conclude the proceeding within three months & thereafter since no extension is*

> *obtained by the Respondents; as per the law laid down in a case reported in 2011 (1) PLJR 859, and since as per recent law laid down in the case of Prem Nath Bali vs. High Court of Delhi reported in (2015) 16 SCC 415, no departmental proceeding can be stretched beyond one year, they have no power, authority or jurisdiction to pass any order, which otherwise stood foreclosed and accordingly to quash the same.*
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> ***(d)** Consequently, for direction upon the respondents to sanction and pay 100% pension with differential arrears as well as 100% Gratuity, GPF, Earned Leave etc. along with differential arrears with delay penal interest of 18% over and above the statutory interest of 5%.*

2. The Petitioner was appointed as a Junior Engineer in 1981 and subsequently promoted to higher posts, eventually serving as In-Charge Chief Engineer before superannuation on 31.10.2018. However, in 2009, a departmental proceeding was initiated against him vide Memo No. 4295(S) dated 27.08.2009 on two charges:

> *(1) Non-filing of property return under Rule 3(1)(iii);*
>
> *(2) Possession of disproportionate assets under Rule 19(6); of Government Servant's Conduct Rules, 1976.*

3. The petitioner initially responded to the charges, and by order dated 13.11.2009, he was exonerated on both counts on the ground that the Income Tax investigation was still pending and the departmental proceeding was premature. Subsequently, following supplementary material from the Income Tax Department, the enquiry was reopened in the year 2010 after revocation of suspension.

4. The petitioner challenged procedural irregularities, including non-supply of documents and lack of evidence. Despite the pending proceedings, the petitioner was granted promotions in the years 2014 and 2016 and retired in 2018. Post-retirement, only 80% provisional pension was sanctioned.

5. Thereafter, a second show-cause notice dated 01.10.2019 was issued; whereby though the petitioner was exonerated of the disproportionate assets charge but was held guilty of delayed submission of property returns, which he had filed only on 30.12.2013. The petitioner contested this finding, arguing absence of prescribed authority and violation of procedural rules. Ultimately, by impugned order dated 30.03.2021, under Rule 43(b) of the Jharkhand Pension

Rules, 20% of his pension was permanently withheld. The petitioner has challenged this order.

6. Learned counsel for the petitioner has assailed the impugned order of punishment whereby 20% of his pension has been withheld for lifetime, on the following grounds:

i) In the 1st enquiry report, charges were not proved. Thereafter, a supplementary enquiry was conducted in which also partial charge was proved. Therefore, this order of punishment is highly excessive.

ii) There is no finding on quantification of withholding 20% of the pension amount for lifetime.

iii) There is no oral evidence in order to prove the charge made against the petitioner.

7. Relying upon the aforesaid contentions, learned counsel submits that the law is no more res-integra that for proving the charge, oral evidence is condition precedent and moreover, in the case of financial punishment like in the case of petitioner of withholding 20% of pension amount for the lifetime; there has to be finding on quantification of amount. As matter of fact, whenever the Authority comes to a finding for withholding 10% or 20% of the pension amount for 5 years, 10 years or for lifetime, there should be a specific finding as to why such percentage of pension be deducted and for how many years but in the instant case, the same is missing.

8. Learned counsel for the respondents justifies the impugned order and submits that principle of natural justice has been complied with and 2nd show-cause notice has also been given.

9. So far as the contention of petitioner that no oral evidence has been led in order to prove the charges is concerned; the issue has been set at rest by the catena of decisions by Hon'ble Apex Court as well as various High Courts that for proving any charge against any delinquent, oral evidence is required in order to prove the charge, except for the documents which are in possession of the petitioner in ordinary course of service.

[Ref: i) Roop Singh Negi vs. Punjab National Bank[1],
ii) State of U.P. Vs. Saroj Kumar Sinha[2],
iii) Satyendra Singh Vs. State of Uttar Pradesh and Anr.[3] ;
iv) State of Uttar Pradesh through Principal Secretary, Department of Pachayati Raj, Lucknow Vs. Ram Prakash Singh[4]]

10. However, looking to the charges levelled against the petitioner, this Court holds that the oral evidence was necessary to prove the charge.

11. So far as the contention of petitioner that there is no finding on quantification of punishment; after going through Rule-43(b) of Jharkhand Pension Rules, coupled with the impugned order; admittedly, there is no finding, whatsoever, as to why 20% of the pension has been deducted for lifetime.

12. Looking to the overall facts and circumstances of the case, the instant case requires interference.

13. Accordingly, the impugned order of punishment as contained in Memo No. 1294(S) dated 30.03.2021 (Annexure-12), is hereby, quashed and set aside.

14. Since, the Petitioner had already retired on 31.10.2018, this Cour is not remitting the case to the disciplinary authority to proceed against the petitioner from the stage of enquiry, inasmuch as, the same will further pester the petitioner who is now a senior citizen.

15. Accordingly, the Respondents are directed to extend entire the consequential benefits to the petitioner and refix the Pension accordingly within a period of 12 weeks from the date of receipt/ production of a copy of this order.

16. Consequently, the instant writ application stands allowed.

(Deepak Roshan, J.)

4th May, 2026
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~~NAFR~~/AFR
Uploaded on 21.05.2026

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[1] (2009) 2 SCC 570
[2] (2010) 2 SCC 772
[3] 2024 SCC OnLine SC 3325
[4] 2025 SCC OnLine SC 891