

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.635 of 2022

Sunil Kumar, son of Late Yamuna Mahato, resident of Pander Palla
 (near Panchayat Building), P.O. Bhuli, P.S. Bankmore, District
 Dhanbad. **... .. Petitioner**

Versus

1. The State of Jharkhand.
2. The Commissioner, Chhotanagpur Division, Hazaribag, P.O. & P.S. Hazaribag, District Hazaribag.
3. The Deputy Commissioner, Dhanbad, P.O. & P.S. Dhanbad, District Dhanbad.
4. The Additional Collector, Dhanbad, P.O. & P.S. Dhanbad, District Dhanbad.
5. The District Land Acquisition Officer, Dhanbad, P.O. & P.S. Dhanbad, District Dhanbad.

... .. Respondents

CORAM : SRI ANANDA SEN, J.

For the Petitioner(s) : Mr. Ramchander Sahu, Advocate
 For the Respondent(s): Mr. Ayush Deb, AC to GP-VI

11/ 22.01.2026

By filing this writ petition, the petitioner has sought for
 following reliefs:-

- "i For quashing the order dated 30.12.2021 (Annexure-6) passed by respondent no.2 in Service Appeal No.93/2013 whereby and whereunder the appeal has been dismissed and the order contained in Memo No.1427/Est. dated 27.09.2013 passed by the respondent no. 3 has been confirmed.
- ii. For quashing of order dated 26.09.2013 contained in Memo No.1427 dated 27.09.2013 (Annexure-5) issued under the signature of respondent no. 3 whereby and whereunder the order of punishment for withholding two increment cumulatively has been passed."

2. Heard learned counsel representing the petitioner and learned counsel representing the respondents.
3. Learned counsel representing the petitioner submits

that the impugned order of punishment requires to be condemned as no oral evidence has been adduced in support of the charge framed against the petitioner. He submits that the allegations levelled against the petitioner, which are absolutely factual in nature should have been proved by oral evidence, but in the instant case no person was produced before the Enquiry Officer to prove the charge. He further submits that the petitioner was punished merely on the basis of the Article of Charge, without any evidence and on the basis of conjectures and surmises. He submits that it is a case of "**No Evidence**". He lastly submits that the Appellate Order dated 30.12.2021 be also set aside as the Appellate Authority fails to appreciate that the petitioner has been inflicted with the punishment without any oral evidence or proof of contents of the same.

4. Learned counsel representing the respondents submits that the Disciplinary Authority has rightly punished the petitioner. He submits that there are sufficient materials available in proof of misconduct of the petitioner.

5. Facts of this case are as follows:-

5.1. The petitioner was appointed as Clerk at District Collectorate at Dhanbad on 14.04.1982.

5.2. The petitioner was transferred as Head Clerk at the District Land Acquisition Office on 17.05.2010.

5.3. Vide Memo No.834 dated 21.11.2012, the petitioner was served with a Memo of Charge, wherein it had been alleged that this petitioner while holding his post in the District Land

Acquisition Office, Dhanbad, had implicitly not maintained the land acquisition records as per Rules.

5.4. The petitioner submitted his explanation denying all the charges, by referring to the record of L.A. Case No.08/07-08 which shows that the entire proceedings such as calling for report, preparation of notification showing name of *raiya*s, were carried out and direction for payment of compensation was given prior to his posting in the office.

5.5. The petitioner was served with a second show cause notice vide Memo No.857 dated 10.06.2013, which was also replied by this petitioner on 17.06.2013 stating therein that the petitioner was not In-Charge of the record of charge of land schedule, valuation, *khatiya*n and other documents.

5.6. Thereafter, the Enquiry Officer finding the charge to be proved, submitted the enquiry report to the Deputy Commissioner, Dhanbad.

5.7. Vide Memo No.1427 dated 27.09.2013, the respondent No.3 issued an order of punishment of withholding of two increments with cumulative effect.

5.8. Being aggrieved by the aforesaid order of punishment, the petitioner moved in Appeal being Service Appeal No.93/13, which was dismissed by respondent No.2 vide order dated 30.12.2021.

6. After going through the enquiry report, I find that the fact that there is "**No Evidence**", is clear from the charge-sheet which does not even mention name of any person as oral

evidence. As per Rule 17 (3) of the Jharkhand Government Servant (Classification, Control & Appeal), Rules, 2016, the charge- sheet or the substance of imputation of the misconduct or misbehaviour should be supplied to the delinquent employee. As per the said Rules, a list of documents by which and the list of witnesses by whom the Article of Charge are proposed to be proved, should also be furnished.

7. A Coordinate Bench of this Court in this case vide order dated 06.12.2023, on the request of learned counsel representing the respondent – State, adjourned the matter with a direction to the respondents to seek instruction as to whether any witness was examined in this case, but no such affidavit has been filed to that effect.

8. In the Article of Charge, there is no mention of any person as witness which clearly suggests that no evidence has been produced.

9. Further, in this case admittedly the petitioner has superannuated, thus there is now no relationship of employer – employee between the petitioner and the respondents.

10. Considering the aforesaid facts and circumstances of this case, the impugned order of punishment as contained in Memo No.1427 dated 27.09.2013 (Annexure-5 to the writ petition) as well as the Appellate Order dated 30.12.2021 passed in Service Appeal No.93/2013, are hereby set aside. Thus, the retiral benefits of the petitioner along with all consequential benefits, be disbursed to him within a period of eight weeks from

the date of receipt of copy of this order.

11. With the aforesaid observation and direction, this writ petition stands **allowed**. No order as to costs.

12. Pending interlocutory application, if any, stands **disposed of**.

(ANANDA SEN, J.)

*22nd January, 2026
Prashant. Cp-2*

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