

**IN THE HIGH COURT OF JHARKHAND AT RANCHI****W.P. (S) No. 5358 of 2019**

Chandrashekhar Poddar, aged about 58 years, S/o-Late Laxmi Narayan Poddar, Resident of Village-Naya Basti Bagbera, P.O.-Bagbera, P.S.-Tatanagar, District-East Singhbhum, Jamshedpur.

**....Petitioner**

Versus

1. The State of Jharkhand, through Secretary, Personal Administrative Reforms and Rajbhasa Department, Government of Jharkhand, Ranchi, Officiating at Project Building, H.E.C. Township, P.O. & P.S. Dhurwa, Dist-Ranchi.
2. The Commissioner, Singhbhum, Kolahan Division at Chaibasa, having its office at Chaibasa, P.O & P.S-Chaibasa, Dist- West Singhbhum.
3. The Deputy Commissioner, East Singhbhum, Jamshedpur having its office at Kutchary Campus, Jamshedpur, P.O & P.S- Sakchi, District- East Singhbhum, Jamshedpur.
4. The Deputy Collector (Establishment), East Singhbhum, Jamshedpur having its office at Sakchi, P.O & P.S- Sakchi, District- East Singhbhum, Jamshedpur.
5. The Circle Officer, Jamshedpur, Officiating at Jamshedpur, P.O & P.S- Jamshedpur, Dist- East Singhbhum, Jamshedpur.

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

For the Petitioner(s) : M/s. Sashi Kant Mishra, Saket Upadhyay,  
Sahil, Sweta Rani, Advocates

For the Respondent(s) : Mr. Ashwini Bhushan, A.C. to Sr.S.C.-II

**06/Dated:-19.01.2026**

1. Heard learned counsel for the parties.
2. The instant writ application has been preferred by the petitioner praying therein for the following reliefs:

- a. *For issuance of appropriate writ or writ in the nature of certiorari quashing the order dated 19.06.2019(Annexure:-17) issued vide memo no 786 wherein Respondent No 2 has rejected the appeal of the petitioner challenging the order of punishment.*
- b. *For issuance of appropriate writ or writ in the nature of certiorari quashing of the order issued vide letter no. 932 dated 06-10-16(Annexure:-10) issued under the signature of respondent no.4 whereby and whereunder the concerned authority has ordered for adjustment of Rs. 6,31,017.24 from the salary of petitioner because of non submission of vouchers, without appreciating the fact that there had been no such charge w.r.t. the vouchers.*
- c. *For issuance of appropriate writ or writ in the nature of certiorari quashing of order issued by Respondent No 3 vide memo no 694 dated 20.05.2013(Annexure:-8) wherein punishment has been awarded to the petitioner under departmental proceeding.*

**3.** The brief facts of the case as per the writ petition are that the petitioner was served with charge sheet vide memo no. 800 dated 30.08.06 and he submitted his reply denying the charges before the Enquiry officer on 12.10.06 and the Enquiry officer concluded the proceeding and submitted a report holding the petitioner guilty. Based upon the said report, the respondent no.3 issued punishment order vide memo no.75 dated 13.01.11.

**4.** Thereafter, in the departmental appeal, the respondent no.2 vide order dated 01.07.11 set aside the punishment order and directed for enquiry of the entire matter afresh. As per the order dated 01.07.11, fresh proceeding was initiated and the petitioner submitted detailed reply explaining the entire facts with all supporting documents before the newly appointed enquiry officer. The Enquiry Officer submitted the enquiry report on 07.01.2013.

**5.** On the basis of the enquiry report, the Deputy Commissioner, East Singhbhum, Jamshedpur vide letter dated 19.02.2013, issued second show cause proposing the same punishment as was earlier awarded to the petitioner. The petitioner submitted a reply to the second show cause while pointing all the irregularities in the departmental proceeding, vide his reply dated 09.04.13. The respondent no.3 vide order bearing memo no. 694 dated 20.05.2013, re-affirmed the punishment which was earlier awarded vide memo no.75 dated 13.01.2011. The petitioner specifically pleaded that during the period when the petitioner was in judicial custody, the lock of his almirah was

broken and cash book etc. was handed over to some other person and remaining documents, vouchers were left abandoned. Vide letter bearing memo No.932 dated 06.10.2016 the respondent No.4, while taking reference of the punishment order dated 20.05.2013 passed by the Deputy Commissioner, East Singhbhum, directed the Respondent No.5 to recover/adjust Rs.6,31,017.24/- from the salary of the petitioner.

**6.** The petitioner represented before the Respondent No.4 praying therein for stay of recovery against the vouchers from his salary at least till the final decision by the appellate authority vide his representation dated 15.10.2016. The respondent No.4 vide letter memo no. 1019 dated 04.11.2016 has refused the prayer of the petitioner for stay of recovery till the decision of the appellate authority on the plea that it has not received any stay order. The Respondent No.5 vide letter dated 28.10.2016 has informed about recovery of the Rs.11,000/- per month from the salary of the petitioner w.e.f October, 2016 and accordingly, the Respondents started recovery from the salary of the petitioner.

**7.** During the pendency of the writ application, learned Trial Court vide judgment dated 22.03.2017, dropped the charges and acquitted the petitioner from the criminal case holding that the prosecution has failed to prove the allegation against the petitioner. The petitioner approached the High Court challenging letter no. 932 dated 06.10.16 issued by the respondent no.4, whereby the concerned authority has ordered for adjustment of Rs.6,31,017.24/- from the salary of petitioner along with other

prayers vide W.P. (S) No 1012/2017. The said writ petition was disposed of vide order dated 27.03.2017 directing the respondent to dispose the appeal preferred by the petitioner within period of two months from date of production of the copy of the order.

**8.** In compliance of the order dated 27.03.2017, the petitioner immediately approached the Respondent No. 2 and submitted his representation along with copy of the order passed in W.P. (S) No 1012/2017 to dispose the appeal in accordance with the guideline laid down by this Court. During the pendency of the appeal, the petitioner filed relevant extract of the cashbook before the appellate authority, but the same was not considered in the rejection of the appeal preferred by the petitioner. Thereafter, the Appellate Authority rejected the appeal upholding the order of punishment vide memo no. 786 dated 19.06.2019. The said impugned order was also communicated to the petitioner vide memo no. 752 dated 20.07.2019.

**9.** The sole contention of Ld. Counsel for the petitioner before this Court is that principle of natural justice has not been followed. Initially, he argued that no witness has been examined. Thereafter, he argued that he was not given any opportunity to cross-examine any witness. He relied upon the judgment passed in the case of **Roop Singh Negi v. Punjab National Bank**<sup>1</sup> where it is held that for proving any document, oral witness should be examined.

**10.** However, after going through the records, specifically,

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<sup>1</sup> (2009) 2 SCC 570

para 33 of the counter affidavit that the enquiry report has been prepared on the basis of written statement of the witnesses and the petitioner was given adequate opportunity to controvert the statements given by the witnesses and to cross-examine, but the petitioner did not do so.

There is not even a single chit of paper in the entire record in order to demonstrate that the petitioner ever asked to cross-examine the departmental witness.

**11.** Moreover, this counter has been filed way back on 11.09.2020, but no rejoinder has been filed rebutting this contention.

**12.** After going through the order of punishment and also the appellate order, I do not find any error; neither on the principle of natural justice, nor on the issue of speaking order.

**13.** Accordingly, the instant writ application stands dismissed. Pending I.A., if any, also stands closed.

***(Deepak Roshan, J.)***

January 19, 2026  
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uploaded  
31/01/2026