

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).21435/2004

(From the judgement and order dated 27/07/2004 in LPA No. 714/2004 of the
HIGH COURT OF PATNA)

RAJESHWAR KUMAR SINGH

Petitioner(s)

VERSUS

STATE OF BIHAR & ORS.

Respondent(s)

(With office report)

Date: 13/02/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr. Gaurav Agrawal, Adv.

Mr. Prashant Kumar, Adv.

For Respondent(s)

-State:

Mr. Gopal Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

State had, Learned counsel for the petitioner states that though the respondent

as per their own case, suffered loss of Rs.23,475/-, much more amount has already been recovered from the petitioner. Learned counsel for the State shall take instructions. If it

is so, then no useful purpose may be served in remanding the case for fresh decision by

that the disciplinary authority from the stage of show cause notice since it seems evident

en though the disciplinary authority has disagreed with the enquiry officer who had given

the report in favour of

...2/-

-2-

the petitioner, no notice of such disagreement with reasons or opportunity was granted to the petitioner. Under these circumstances, the respondents may consider whether it would be worthwhile to proceed with the penalty of withholding of five per cent of pension from the petitioner. It may be noted that the petitioner has stated that he will not reclaim the amount which has been recovered from him.

The petition is adjourned for four weeks.

(N. Annapurna)

Court Master

(V.P. Tyagi)

Court Master