IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.466 of 2025
In
Civil Writ Jurisdiction Case No.4945 of 2023

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Bijendra Kumar S/o Rameshwar Mandal, R/o Jolhaniya, P.S. Pipara, District-Supaul. At present posted as Assistant Electrical Engineer, Electric Supply Sub-Division, Saharsa (Rural).

... ... Appellant/s

Versus

1. The North Bihar Power Distribution Company Limited through the Chairman Cum Managing director, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman Cum Managing Director, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
3. The General Manager (Human Resources/Administration), North Bihar Power Distribution Company Limited, Patna.
4. The Deputy Secretary, North Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
5. The Under Secretary, North Bihar Power Distribution Company Limited, Vidyut Bahwna, Bailey Road, Patna.

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr. Jai Prakash Verma, Advocate
For the Respondent/s : Mr. Kunal Tiwary, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 24-09-2026

This *intra court* appeal has been filed with the following prayer:-

> *"To set aside the order dated 20.06.2024 passed by the Hon'ble Single Judge in C.W.J.C. No. 4945 of 2023, whereby and whereunder the aforesaid writ petition has been dismissed."*

2. At the outset, we state, though the challenge in

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the appeal is primarily to the order dated 20.06.2024, it is seen from the record that the appellant had sought review of the order dated 20.06.2024 in Civil Review No. 227 of 2024 in C.W.J.C. No. 4945 of 2023. The said review was also dismissed by the learned Single Judge.

3. The challenge in this appeal is to the order dated 20.06.2024 in C.W.J.C. No. 4945 of 2023, which was filed by the appellant herein challenging the proceedings initiated against him under the Conduct Rules, which resulted in the penalty of stoppage of two annual increments of pay with cumulative effect and also a direction of recovery of an amount of Rs. 2,34,752/-.

4. The facts which need to be noted are that the appellant, who at the relevant time was working as an Assistant Executive Engineer in the Sub-Divisional Office, Banmankhi, was proceeded against on the allegation that with the help of forged documents he made recommendation for use of non-existing vehicle having Registration No. BR11M 5904 in the Sub-Divisional Office. The same was without physical inspection of the vehicle as well as the documents. After expiry of the contract period, the appellant had made another recommendation and on the basis of recommendation of the

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appellant, the period was further extended by the then Electrical Executive Engineer. It was the case of the respondents that the vehicle was never been in use of the office as the said vehicle had met with an accident for which Dandkhora Sanha No. 58 of 2017 dated 03.10.2017 was lodged by the Ex-owner and even insurance claim was made on 30.03.2018, but the appellant issued forged bill for plying of the said vehicle for office use from November, 2017 to December, 2017 and thereafter, February, 2018 to September, 2018. Pursuant thereto, he illegally obtained the cheques issued from the Divisional Office in collusion with one Pramod Kumar Jaiswal and got it deposited in fake accounts created in name of Amit Kumar, the original owner of the vehicle. On the basis of the forged documents and forged signature, an amount of Rs. 29,344/- was transferred per month from the department which resulted in financial loss caused by the appellant to the department. The conceded position is that an Enquiry Officer was appointed, who had proved the charges against the appellant herein. Pursuant thereto, the aforesaid penalty was imposed. The departmental appeal filed by the appellant has also resulted in rejection.

5. The learned Single Judge while dismissing the

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writ petition has in paragraph no.8 onwards stated as under:-

> *"8. Having heard the learned advocate for the petitioner and the State-respondents and on careful perusal of the entire record, it is found that the petitioner was forwarded with the copy of the agreement executed between the Electrical Executive Engineer and Amit Kumar on 11.12.2017. Thus, the petitioner knew that the owner of the vehicle was Amit Kumar. However, he went on issuing monthly rental for hiring of the vehicle to Pramod Kumar Jaiswal and he continued about one year. Subsequently, on his recommendation the agreement was extended for another year w.e.f. 01.05.2018 to 30.04.2019.*
>
> *9. It is amply clear that inspite of having knowledge that one Amit Kumar is the owner of the concerned vehicle, the petitioner went on issuing cheques in the name of a third person towards monthly rental being the hiring charges of the said vehicle. It is already recorded that when the department came to know about the incident and started to inquire into the matter, he lodged a complaint against the said Pramod Kumar Jaiswal before the local police station and subsequently, the criminal case was compromised but the amount was not recovered.*
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> *10. In view of such circumstances, I find that the petitioner committed gross misconduct with regard to financial matters relating to payment of hiring charges to the vehicle owner and the petitioner was accordingly punished."*

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6. The review petition was filed primarily on the ground that in paragraph no.3 of the impugned order dated 20.06.2024, the learned Single Judge has stated that the allegation against the appellant is that he issued a cheque for Rs. 2,42,402/- being payment of rental for hiring the car to one Pramod Kumar Jaiswal is incorrect. The plea was the petitioner did not issue any cheque, as he is not the issuing authority. The cheque was issued by the Electrical Executive Engineer. He had only handed over the said cheque to one Pramod Kumar Jaiswal.

7. The learned Single Judge dismissed the review petition by stating in paragraph nos. 4, 5 and 6 as under:-

> *"4. It is needless to say that an order/ judgment is required to be read as a whole. By taking up some observation made by the Court here and there it cannot be held that the Court had passed some order or made some observation which is factually incorrect.*
>
> *5. On perusal of the judgment, it is found that an agreement for running a hired vehicle by the Electricity Department at Banmankhi was executed with one Amit Kumar. As per the agreement, Amit Kumar was the person who was entitled to receive the cheques being the rental amount. Paragraph No.3 of the judgment states that the petitioner handed over the said cheques to another*

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person namely, Pramod Kumar Jaiswal, who did not have any privity of contract with the electricity department. The word 'issued' in paragraph No.3 of the judgment was used by this Court for the meaning 'handed over'.

6. *On perusal of the entire judgment, I do not find any ground for reviewing the impugned order dated 20.06.2024 passed in C.W.J.C. No. 4945 of 2023. Accordingly, the instant writ petition is dismissed."*

8. Even before us, the learned counsel for the appellant would submit that the appellant had not issued the cheque of Rs. 2,42,402/- being the rental for hiring the car to Pramod Kumar Jaiswal.

9. The issue is whether the proceedings which have been initiated against the appellant which resulted in the aforesaid penalty are justified. The charges which have been framed against the appellant are of very serious nature. The learned counsel for the appellant has not seriously contested the conclusion drawn by the Enquiry Officer that the charges against the appellant have been proved.

10. If that be so, the necessary consequence of charges being proved, is that the penalty must follow. The penalty imposed is only stoppage of two annual increments with cumulative effect and further recovery of the loss occurred to

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the department. The said penalty is justified in the facts of this case. The only submission of learned counsel for the appellant as noted above is that the appellant had only handed over the cheque to one Pramod Kumar Jaiswal. The handing over of the cheque shall not mean that the appellant is innocent. The cheque which was handed over by the appellant to Promod Kumar Jaiswal was for a transaction based on forged documents as alleged by the respondents in a contract for hiring of non-existent vehicle, resulting in a financial loss to the department.

11. Hence, we are of the view that the final conclusion drawn by the learned Single Judge in the facts of this case cannot be faulted. The appeal being without any merit is dismissed.

12. Pending application(s), if any, shall also stand disposed of.

(V. Kameswar Rao, CJ)

(Partha Sarthy, J)

shailendra/-

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CAV DATE	NA
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