

In The Court of Commissioner, Saran Division, Chapra
Service Appeal No. 26-37/2010

Yogendra Tiwari

Vrs.

D.M. Gopalganj & others

ORDER

19.4.2014

The instant appeal is directed against the impugned punishment order of D.M. Gopalganj as contained in memo No. 1436/c dt.13.09.2010 whereby and whereunder the appellant was inflicted with minor punishment of withholding of two annual increments for alleged charges of dereliction of duty.

The brief facts of the case are that the appellant Yogendra Tiwari, a clerk at the relevant time was posted in the social security cell of the Gopalganj District. The further case is that one Musmat Sijharia Devi R/o Malahi Tola, P.S- Manjharh submitted an application on 30.03.09 for accidental death claim of his husband who died in road accident in Nagaland. The said claim application remained pending for quite some time at the level of this appellant and for which a show cause was asked by the D.M. vide memo No. 1315 dt. 20.08.2010 and when on finding that this appellant was responsible for causing the inordinate delay in forwarding the claim to the higher authority, he was imposed punishment of withholding of two increments.

Feeling aggrieved by and dissatisfied with the aforesaid punishment order, the appellant has preferred the appeal before this Court.

Heard the parties.

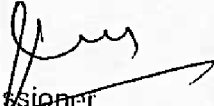
The learned counsel appearing a behalf of the appellant submitted that although appellant filed a detailed show cause reply to the D.M. for the alleged charges, wherein he stated that he received the application on 31.03.09 without any annexure thereto despite he forwarded the application to the BDO, Manjharh without any delay vide letter No. 62 dt. 05.05.09. The sanction of D.M. was obtained on 24.07.2010 and thereafter, the request for allotment of necessary fund was sent to the Govt. on 14.08.2010. Thus, it is clear that the appellant was not responsible for the delay despite he was charged for causing inordinate delay, for the disposal of such a sensitive issue and imposed minor punishment which is against the law.

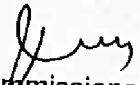
The learned G.P. appearing on behalf of the D.M. submitted that the appellant kept the application pending nearly for nine months. Consequently the applicant was not given relief within proper time. He further said that the order passed by D.M. relating to minor punishment of withholding of the increments with non-cumulative effect is valid and legal and this appeal being devoid of any merit fit to be dismissed.

Considering the facts and circumstances of the case and on going through the case record, it appears that there is no denial of the fact that about nine months delay has been caused in disposing of a matter of such a sensitive nature where the dependent needs immediate relief when the sole bread earner of the family died. It is also seen that this appellant kept the application pending till 09.12.2009 rather he issued unnecessary letters to BDO, Manjharh whereas the notification NO.1453 dt.19.03.2008 of labour deptt. speaks that application relating to claims must be sent immediately. The appellant failed to give any reasonable explanation for such inordinate delay caused at his level when he was asked for through show cause notice. Even at this stage the learned counsel failed to point out any illegality in the impugned order of D.M. Gopalganj so as to warrant any interference.

In the light of above-mentioned facts, I do not find any justifiable reason to interfere with the impugned order to D.M. Hence the same is upheld. This appeal having no merit is dismissed.

Dictated and Corrected by me.


Commissioner,
Saran Division, Chapra
19/4/2014


Commissioner,
Saran Division, Chapra 2014