

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 1846 of 2014**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Saurabh Shekhar, Advocate
For the UOI : Mr. Binod Singh, Advocate

12/Dated: 25th March, 2021

Heard-in-Part.

2. Mr. Saurabh Shekhar learned counsel submits that the petitioner has been terminated from service on the charge of theft; however, there is no clear finding of facts as to when the theft took place. In order to support his argument he draws attention of this Court towards Annexure-9 which is the copy of the “beat book” and submits that the other personnel took charge from this petitioner at 04.41 hours in ‘OK’ condition. Thus, the petitioner was on duty from 20.41 hours (09.03.1999) till 04.41 hours (10.03.99) of the next date.

3. After perusing the said “beat book” it clearly transpires that the other personnel-Dalbir Singh had taken the charge in ‘OK’ condition.

4. Learned counsel further draws attention of this Court towards the enquiry report and submits that as per the enquiry report, the time of theft has not been explained rather it has been said by the Inquiry Officer that the time of theft might be from 3.45 hours to 5.00 hours. Though both the personals were departmentally proceeded;

however, only the petitioner has been terminated and the other personnel-Dalbir Singh has been imposed lesser punishment. In view of aforesaid facts, when the time of theft is not certain then punishing this petitioner for termination and leaving the other co-employee-Dalbi Singh for lesser punishment, is highly discriminatory.

He further referred to the reply to the show cause notice filed before the disciplinary authority and submits that the disciplinary authority had not given any specific finding on those grounds taken by the petitioner rather he has said that the charged officer in his representation dated 25.09.1999 has brought out unnecessary points which are baseless and having no merit at all.

This finding given by the disciplinary authority appears to be *non-est* in the eye of law.

5. Learned counsel for the respondent is directed to reply on all these issues on the next date of hearing.

6. Put up this case on 07.04.2021.

(Deepak Roshan, J.)

Amardeep/