

## WP(S) No. 3920 of 2013

-Versus-

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The petitioner, who is the Superintending Engineer in the respondent-

According to the learned counsel for the petitioner he has been involved

Counsel for the petitioner submitted that the petitioner has been

In response counsel for the respondent Corporation has submitted that

for seeking protection from the alleged punitive action of the respondent Corporation i.e. when he has been transferred from BTPS, Bokaro to DVC, Trichurapalli. However, it has been pointed out by referring to Annexure 5 series to the writ application, the office orders dated 12.12.2012 and 15.12.2012 that the said order of transfer has been modified and the petitioner has been posted at Durgapur Thermal Power Station, DVC, Durgapur. The aforesaid order has also been modified and the petitioner has again being posted at BTPS, Bokaro. It has further been submitted that the inquiry proceedings have been initiated by a memorandum dated 10.7.2013 on prima facie charges of misconduct against the petitioner, which is not under challenge in the present writ application. The petitioner, therefore, cannot seek stay of the said departmental proceeding initiated against him, which should be allowed to be completed in accordance with law by the competent authority of the respondent-Corporation. It is submitted that after the petitioner joined at the same place, his writ petition for payment of arrears of salary for the period he has not joined on the transferred place was dismissed by this Court as he has not discharged his duties for the said period.

Counsel for the petitioner, however, has reiterated the submission and submitted that the petitioner in such circumstances deserves protection under the resolution of the Government of India dated 21.4.2004 as he has been indulging in exposure of misconduct of the authorities of the respondent-Corporation.

I have heard counsel for the parties. During course of argument though repeated queries have been made to the learned counsel for the petitioner but he has not been able to demonstrate any reasonable nexus for initiation of the departmental proceeding against the petitioner on 10.7.2013 with the alleged acts said to have been undertaken by him in exposing certain irregularities against official of the respondent-Corporation. The said departmental inquiry has also not been challenged in the main writ application. Therefore, no stay of the said departmental inquiry can be allowed by way of interlocutory application preferred by him later on.

3.

On the other hand, it further appears from perusal of the relevant office orders dated 12.12.2012 & 15.12.2012 that after the report of the Vigilance Manager of the respondent-Corporation and indulgence by the Ministry of Power and CVC, the petitioner's transfer to Trichurapalli was modified and he has again been posted at Bokaro Thermal Power Station, DVC, Bokaro. The prayer made in writ petition therefore, does not appear to warrant any interference in the aforesaid facts and circumstances.

In the facts and circumstances, this Court is not satisfied that any such relief can be granted in the said inquiry, which is not under challenge.

This writ petition is accordingly dismissed.

I.A. No.7303 of 2013 also stands dismissed.

**(Aparesh Kumar Singh, J. )**

Pandey