

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15263 of 2015

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Munnu Kumar, son of Shree Jagmohan Prasad, resident of Sahid Sanjay Marg, Raja Bazar, Bihiya, Police Station- Bihiya, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Bhojpur at Ara
3. The District Manager, State Food Cooperation ,Bhojpur at Ara
4. The Additional District Magistrate (Establishment), Bhojpur at Ara
5. The Sub Divisional Officer, Jagdishpur, District- Bhojpur
6. The Circle Officer, Bihiya, District- Bhojpur
7. The Assistant Manager-cum- Incharge Purchase Centre, Bazar Samittee, Ara District- Bhojpur
8. The Incharge Purchase Centre, Bihiya, District- Bhojpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Madan Jeet Kumar, Adv.
For the Respondent/s : Mr. Mrigendra Kumar, AC to GA11
For the SFC : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 01-10-2015 Heard learned counsel for the parties.

Assailing the impugned order of termination of the petitioner dated 7.3.2015 passed by the Deputy Collector (Establishment), Bhojpur, Arrah learned counsel for the petitioner has raised an issue that the impugned order is not only a cryptic and non-speaking order and in fact also does not deal with any of the defence taken by the petitioner in his show cause reply.

Learned counsel for the respondents, on the other hand, has sought to defend the impugned order by taking a plea that there were very serious allegation against the petitioner reported by the District Manager of the Bihar State Food and Civil Supplies

Corporation and since the petitioner was only on deputation from the Collectorate to the Corporation, his services were returned and thereafter the authorities of the Collectorate had terminated the services of the petitioner.

In the considered opinion of this Court once the petitioner was given a show cause notice dated 16.2.2015 and he had filed his reply on 19.2.2015 its consideration ought to have been reflected from the impugned order. In the impugned order, however, such consideration is only confined in one sentence which says:

“इस संबंध में उनके द्वारा दिया गया स्पष्टीकरण स्वीकार योग्य नहीं है।”

Such bald and non-speaking order without even considering the show cause reply of the petitioner cannot be sustained, inasmuch as the same would be in violation of the principles of natural justice as was held by the Apex Court in the case of The Siemens Engineering and Manufacturing Co. of India Ltd. v. Union of India & anr., reported in AIR 1976 SC 1785, as well as in the case of S.N.Mukherjee v. Union of India, reported in AIR 1990 SC 1984.

That being so, the impugned order dated 7.3.2015, as contained in Annexure 7, is quashed and the matter is remitted back to the Collector of the District who now will reconsider the

matter. It will be also open for the petitioner to file a fresh show cause reply in relation to the show cause notice dated 16.2.2015 after taking into account the remarks made against him by the District Manager as well as Purchase Centre Incharge, Bihiya, as contained in Annexure 4. Upon receipt of such fresh show cause reply by the petitioner the Collector of the District will examine the matter and pass an appropriate order preferably within a period of three months from the date of filing of the show cause reply by the petitioner.

Till such an exercise is completed the petitioner shall not be entitled either reinstatement in service or any benefit but then if ultimately the show cause reply of the petitioner is accepted, he shall be reinstated in service by giving him continuity of his earlier appointment.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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