

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3466 of 2016

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Krishn Nandan Prasad Yadav @ Krishn Nandan Pd. Yadav, Son of Late Chhathu Rai, Resident of Mohalla- Baxi, P.S.- Khajkhala, District- Patna.

.... Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Bailey Road, Patna through its Chairman-cum- Managing Director.
2. The South Bihar Power Distribution Company Ltd., Vidyut Bhawan Bailey Road, Patna through its Managing Director.
3. The General Manager (Human Resources), South Bihar Power Distribution Company, Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, Electric Supply Division, Kankarbagh, Patna.
5. The Assistant Electrical Engineer, Bahadurpur Area, Kankarbagh Supply Division, Kankarbagh, Patna.
6. The Junior Engineer, Kumharar Area Electric Supply Division, Kankarbagh, Patna.
7. The Junior Engineer, Bahadurpur Area Kankarbagh Supply Division, Kankarbagh, Patna.
8. The Accounts Officer, Electric Supply Division, Kankarbagh, Patna.
9. The State of Bihar through Secretary of Energy Department, Patna (Bihar).

.... Respondent/s

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Appearance :

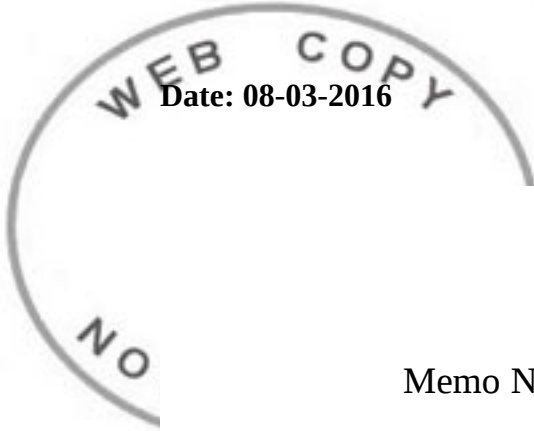
For the Petitioner : Mr. Manoj Kumar with
Mr. Rajendra Singh, Advocates

For the Power Company : Mr. Vijay Kumar Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT



Heard learned counsel for the parties.

The petitioner is aggrieved by the order contained in Memo No. 470 dated 06.03.2014 issued by the respondent no. 4 by which the contract of labour supply with the petitioner dated 22.07.2013 for a period of three years has been cancelled.

Learned counsel for the petitioner submits that prior to such cancellation he was neither noticed nor given any show cause. It is submitted that under similar circumstances a co-ordinate Bench of this Court in the case of Shailendra Kumar vs. The Bihar State Power (Holding) Company Limited and Others in C.W.J.C. No. 2870 of 2015 by order dated 23.02.2015 has quashed a similar order on the ground that the order impugned has been passed without adhering to the principles of natural justice.

Learned counsel for the respondents no. 1 to 8 submits that the order dated 23.02.2015 is of no help of the petitioner for the reason that the petitioner has approached the Court after almost two years whereas the petitioner of C.W.J.C. No. 2870 of 2015 had approached the Court within a reasonable period. However, he is not in a position to distinguish the nature of

the order impugned in C.W.J.C. No. 2870 of 2015 compared to the order impugned in the present writ application.

At this juncture, learned counsel for the petitioner submits that though the order impugned has been passed in the year 2014 but till date the petitioner has been working and new arrangement has not been made.

Having considered the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, the Court is inclined to take a similar view as has been taken by a co-ordinate Bench of this Court while disposing off the matter on 23.02.2015 in C.W.J.C. No. 2870 of 2015.

Accordingly, the impugned order contained in Memo No. 470 dated 06.03.2014 stands quashed. However, the respondents would be at liberty to take action against the petitioner in the matter, in accordance with law, after granting him reasonable opportunity of hearing. It is further made clear that the Court has not formed any opinion with respect to the merits of the case.

However, it is made clear that in case the respondents have already made alternate arrangement pursuant to the impugned order and any third party rights have been created, the writ petition would be deemed to have been dismissed.

The writ petition stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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