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IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4542 of 2014

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Udayanand Sinha Son Of Late Shyama Prasad Sinha Resident Of Harnichak, Anishabad, Patna Posted As Technical Advisor, Director Monitoring Cum-Evaluation Cell Building Construction Department, Patna .... Petitioner

Versus

1. The State Of Bihar Through The Secretary, Building Construction Department, Bihar, Patna
2. The Additional Secretary Building Construction Department, Bihar, Patna
3. The Joint Secretary Building Construction Department, Bihar, Patna
4. The Under Secretary, Building Construction Department, Bihar, Patna
5. The Engineer In Chief, Building Construction Department, Bihar, Patna
6. The Secretary, The Engineer In Chief, Building Construction , Bihar, Patna
7. The Superintendent Engineer, South, Bihar, Circle Building, Patna
8. The Executive Engineer, Patna Building Division, Patna .... Respondents

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Appearance :
For the Petitioner/s : Mr. ARUN KUMAR SINGH
For the Respondent/s : Mr. GP22- G.P. OJHA

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT
Date: 15-07-2016

The petitioner who is a retired Executive Engineer in the Building Construction Division, Patna, has assailed the impugned order dated 27.8.2013, by which he was awarded major punishment with a direction for recovery of loss amount from his account.

2. He has challenged the order on the ground that the same is non-speaking and passed without considering his show cause. The petitioner submits that in similar circumstances, this Court had set aside another order dated 27.8.2013 while hearing C.W.J.C.No. 832 of 2014 (Arjun Ram Vs. State of Bihar and others) vide order dated 27.1.2014.

3. I find that the case of the petitioner is similar to the

aforesaid case. As such, order dated 27.8.2013 is quashed. The matter is remitted back to the concerned disciplinary authority to consider the reply of the petitioner and pass a speaking order in accordance with law, meeting the stand of the petitioner in his reply.

4. This application is allowed to the extent indicated above.

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(Samarendra Pratap Singh, J)

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