

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Jurisdiction Case No.2706 of 2009**

- =====
1. The Union of India through the Secretary, Ministry of Defence, New Delhi-11
  2. The Chief of Army Staff, Sena Bhawan, New Delhi-11
  3. The Commanding Officer, 21 Bihar Regiment, Danapur, Patna
  4. The Recruiting Officer, Recruiting Centre, Danapur, District-Patna

.... .... Petitioners

Versus

Indradip Rai, son of Babu Lal Rai, Resident of village- Dhobgati, Police Station- Hazipur, Post Office Sarai, District- Vaishali

.... .... Opp.Parties

=====

**Appearance :**

For the Petitioner/s : Mr. S.D.Sanjay, Sr. Advocate  
Mr. Kumar Priya Ranjan  
Mrs. Gunja

For the Respondent/s :

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA**  
**and**  
**HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)**

5      11-03-2016                      The application is for restoration of LPA No. 186 of 2006 which stood dismissed in default on 5<sup>th</sup> of December, 2008.

The applicant has sought restoration of the appeal on the ground that the same could not be marked in the cause list.

For the reasons mentioned in the application, we deem it appropriate to allow the present application and restore LPA No. 186 of 2006 to its original file.

The MJC stands disposed of accordingly.

LPA No. 186 of 2006:

The present appeal is directed against an order passed by a learned Single Bench on 4<sup>th</sup> of October, 2005 whereby the order of discharge of the petitioner from 26<sup>th</sup> July, 1984 was held to be unjustified and not sustainable in law.

We do not find any merit in the appeal. Admittedly, no show cause notice was issued before passing an order of discharge. Therefore, it violates the principles of natural justice.

We do not find any ground to interfere with the order passed by the learned Single Bench.

The Letters Patent Appeal is, accordingly, dismissed.

**(Hemant Gupta, J)**

S.Pandey/-

**(Ramesh Kumar Datta, J)**

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|