

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16312 of 2015

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Shailendra Kumar son of Manik Lal Gupta Resident of Sadar Gali, Banbari Tola,
Agamkuan, P.O. Patna City, P.S. Khajekala, Town and District - Patna.

.... Petitioner/s

Versus

1. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through its Chairman cum Managing Director.
2. The South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna, through Managing Director.
3. The General Manager (Human Resources), South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
4. The Electrical Executive Engineer, Electric Supply Division, Patna City.
5. The Special Works Officer, (Head Quarter/Administration) South Bihar Power Distribution Company Limited, Vidyut Bhawan, Bailey Road, Patna.
6. The Electrical Executive Engineer, Electric Supply Division, Bankipore, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate

For the Respondent/s : Mr. Vinay Kirti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-05-2016

Heard Mr. Suraj Samdarshi, learned counsel for the petitioner and Mr. Anand Kumar Ojha appearing for the respondent Distribution Company.

The petitioner is aggrieved by the order bearing Letter No. 772 dated 19.8.2015 of the Electrical Executive Engineer, Electric Supply Division, Patna City whereby the agreement entered in between the petitioner and the respondent company has been cancelled *inter alia* on grounds of failure on the part of the petitioner to supply contract labourers in terms of the agreement.

Mr. Samdarshi, learned counsel appearing on behalf of the petitioner while questioning the impugned order has submitted that a

show cause in this regard was issued only a day before on 18.8.2015 and even before the petitioner could respond to the same that the order of cancellation has been passed.

A counter affidavit has been filed today and Mr. Ojha while supporting the stand of the Company regarding issuance of the show cause notice could not place on record whether the show cause was served on the petitioner before the passing of the order of cancellation.

In the circumstances discussed, the petitioner has been visited with civil consequences without reasonable opportunity to defend himself on the allegations. On this limited score of denial of reasonable opportunity to the petitioner to respond to the allegations, the order dated 19.8.2015 of the Electrical Executive Engineer, Electric Supply Division, Patna City impugned at Annexure-6 cannot be upheld and is accordingly set aside.

The writ petition is allowed.

Since the order impugned has been set aside primarily on grounds of violation of principles of natural justice hence it would not preclude the authorities to move afresh but in accordance with law.

S.Sb/-

(Jyoti Saran, J)

AFR/NAFR	
CAV DATE	
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