

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2664 of 2016

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Dinesh Prasad Singh, Son of Late Indra Deo Singh, Resident of Village- Bhanoo Pokhar, P.S.- Nokha, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar,
2. The Secretary, Rural Works Department, Bihar, Patna.
3. The Joint Secretary, Rural Works Department, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Adv.

For the Respondent/s : Mr. Aditya Nath Jha, AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.

The petitioner was imposed a penalty vide Annexure 1 for the charges levelled against him vide charge memo present at Annexure 4(B) relating to alleged irregularity committed in construction of Aurangabad Navinagar, Via Mali Bariyawan Road, which got heavily damaged. This order of penalty was passed on 13.8.2012 and about three years later, the petitioner has been served with another show cause dated 10.4.2015 by the Joint Secretary, Rural Works Department at Annexure 2 as to why loss suffered by the State due to poor quality of road be not recovered from the petitioner and others connected with the same. It is feeling aggrieved by the show cause so served which relates to the same transaction which resulted in the order of penalty at Annexure 1, that the petitioner is before this



Court.

Mr. P.N.Pathak, learned counsel for the petitioner, invites attention of this Court to the reply filed by the petitioner raising all these issues, a copy of which is present at Annexure 10 to the writ petition.

Having heard learned counsel for the parties and considering that the matter is yet pending before the Joint Secretary, Rural Works Department, I deem it proper to dispose of the writ petition with a direction to the Joint Secretary, Rural Works Department or the authority concerned, to consider the issues raised by the petitioner in his reply at Annexure 10 and dispose of the same by a speaking order to be passed within a period of six weeks of the receipt/ production of a copy of this order bearing in mind the law settled by this Court on the issue.

It goes without saying that the petitioner shall be at liberty to raise all issues as raised herein.

The writ petition stands disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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