

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1417 of 2015

IN

Civil Writ Jurisdiction Case No. 19188 of 2010

- =====
1. Bihar Industrial Area Development Authority through its Managing Director, Udyog Bhawan, East Gandhi Maidan, Patna - 800004.
 2. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna - 800004.
 3. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna-800004.
 4. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna - 800004.
 5. The Principal Secretary-Cum-Chairman of Bihar Industrial Area Development Authority Industry Department, New Secretariat Building, Second Floor, Bailey Road, Patna.

.... Appellants

Versus

Gautam Pathak Son of Late Raj Kumar Patahk R/o Village - Markanj, P.S. - Hussainganj, District - Siwan.

.... Respondent

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Appearance :

For the Appellants : Mr. Girijish Kumar, Advocate

For the Respondent : Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 22-02-2017

An order of dismissal passed on an ex-parte enquiry and frivolous charges, if not stale charge, in complete violation of principles of natural justice was set aside by the learned single Judge vide order dated 29.01.2015 passed in C.W.J.C. No. 19188 of 2010. It is this order which is sought to be assailed under the Letters Patent Appeal.

There is a delay of 131 days, for which a condonation



application, namely, I.A. No. 6198 of 2015, has been filed. The same is allowed.

Having heard the counsel for the appellants as well as the private respondents, since the order of the learned single Judge is based on the finding in the manner in which the so-called enquiry was held, if at all, which is not a matter of dispute, the only corollary thereof would be to set aside the order of dismissal, which has been rightly done.

There is no infirmity in the order of the learned single Judge, which is required to be rectified in appeal.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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