

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4135 of 2014

=====

Prasant Kumar S/O Late Birendra Kumar Singh R/O Village : - Alam Nagar, P.O.
& P.S. : - Alam Nagar, Udakishunganj, Distt: - Madhepura

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Madhepura
3. The Sub-Divisional Officer, Udakishunganj, Distt : - Madhepura
4. The Circle Officer, Alam Nagar, Distt : - Madhepura
5. The Block Development Officer, Alam Nagar, Distt : - Madhepura

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. RAM SUMIRAN RAI, Adv.
For the Respondent/s : Mr. GP28- GEETA KUMARI

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 01-08-2017

Heard both sides.

2. The petitioner seeks quashing of the order, as contained in Memo No. 673.2/Stha., Madhepura dated 14.08.2013 issued under the signature of District Magistrate, Madhepura vide annexure-11, by which the service of the petitioner as I.T. Assistant, has been terminated. The petitioner assailed the order only on the ground that without giving any show-cause the service of the petitioner has been terminated. Learned counsel for the petitioner has submitted that petitioner filed a petition before the Collector, Madhepura on 16.08.2013 that he was on leave and under the treatment of the doctor. The report was called for from the S.D.O.



Udakishunganj, Madhepura Annexure-9 and the S.D.O. Udakishunganj, Madhepura vide annexure – 9 reported that the petitioner was on leave on account of treatment.

4. Having regard to the facts that without giving any notice to the petitioner, the service of the petitioner has been terminated, I find the order dated 14.08.2013, as contained in Memo No. 673.2/Stha., Madhepura (Annexure-11) is violative of principles of natural justice. The petitioner was prevented from his duty on account of his illness. Accordingly, this writ petition is allowed. The order dated 14.08.2013, as contained in Memo No. 673.2/Stha., Madhepura (Annexure-11) is set aside. The matter is remitted to the District Magistrate, Madhepura to pass order afresh in accordance with law. Since the petitioner was working on contract basis he was not entitled to get wages/salary during his absence from duty.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2017
Transmission Date	NA

