

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15284 of 2008

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Theodore Soreng, son of late Joseph Lachhu Soreng, resident of Vijaya Home,
Green Earth Duplex-20, Dimna Road, P.S. Mango, District Jamshedpur.

.... Petitioner

Versus

1. State of Bihar through the Secretary to the Government of Bihar, Public Works Department, Government of Bihar, Patna.
2. The Secretary to the Government, Urban Development Department, Government of Bihar, Patna.
3. The Accountant General, Bihar, Birchand Patel Path, Patna – 800 001.
4. The Engineer-in-Chief, Rural Engineering Works Organization, Bihar, Patna.
5. The Joint Secretary to the Government, Public Works Department, Government of Bihar, Patna.
6. The Deputy Secretary, Urban Development Department, Government of Bihar, Patna.
7. The Deputy Secretary, Public Works Department, Government of Bihar, Patna.
8. The Special Officer-cum- Deputy Secretary, Public Works Department, Government of Bihar, Patna.
9. The Joint Secretary to the Government, Department of Road Construction (Admn. Cell), Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeeva Roy, Advocate
For the Respondents : AC to AAG 15
For the Accountant General : Mr. Ram Yash Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-08-2017

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order dated 27.10.2006 (Annexure-1) in which, *inter alia*, it has been decided that the period from 22.12.1989 to 06.01.1993 to be declared a period as leave without pay and will not be counted for pension etc; and for consequential reliefs.

3. Inasmuch as the impugned order dated 27.10.2006 has



been passed by the Joint Secretary of the Road Construction Department, Government of Bihar, Patna, learned counsel for the petitioner seeks permission to implead the said authority as respondent no. 9 in course of the day, which is granted.

4. It is submitted on behalf of the petitioner that the aforesaid impugned order dated 27.10.2006 has been passed without grant of any opportunity of hearing to the petitioner, which thus vitiates the order.

5. Having regard to the stand of the petitioner and with the consent of the parties, the present writ petition is being disposed of setting aside the order dated 27.10.2006 (Annexure-1) with a direction to the newly added respondent no. 9 to consider and dispose of the matter afresh after grant of opportunity of hearing to the petitioner in accordance with law expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.08.2017
Transmission Date	N.A.

