

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5781 of 2016

Harish Chandra Jha S/o late Bauan Jha, Resident of House No. 2, Matri Sadan, New Mithila Colony, Nasariganj, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary
2. The Divisional Commissioner, Patna Division, Patna
3. The Collector-cum-District Magistrate, Patna
4. The Deputy Collector of Establishment, Patna Collectorate, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Subhash Kumar Mishra
For the Respondent/s	:	Mr. GP19- RAJESH KUMAR

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

19.08.2017 Heard both sides.

After having retired from the establishment of the Collectorate, Patna on 31.8.2015, the respondents passed an order (Annexure-14) reducing his scale of pay.

One of the contentions made on behalf of the petitioner is that before doing so, the respondents did not give any notice to the petitioner . If the right of the petitioner was going to be affected it was incumbent upon the respondents to afford an opportunity to the petitioner to submit his explanation/cause. That having not been made, the Annexure-14 is bad in law.

Learned counsel for the State has, however, contested the application on merit. He, however, fairly concedes that no prior notice was given to the petitioner before passing the order dated 28.1.2016 (Annexure 14).

Without expressing any view on the merits of the case,



the Court is persuaded to dispose of the application by the following order:-

Let a representation be filed by the petitioner detailing his entire grievance supported by all relevant documents before respondent -District Magistrate, Patna, who shall examine the said claim of the petitioner, in the light of the papers placed along with representation and the office record and take appropriate decision thereon in accordance with law. In doing so, the respondent- District Magistrate shall not be precluded in any manner by the order dated 28.1.2016 (Annexure 14). The Court expects that such consideration is made by the respondent within a period of 06 weeks from the date of filing of such representation.

Let it further be recorded that the petitioner has taken a stand that such detailed representation shall be filed within 03 weeks.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

