

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1198 of 2015
In
Civil Writ Jurisdiction Case No.6407 of 1999

Notified Area Committee, Dalsingsarai, Now Dalsingsarai Nagar Panchayat, Dalsingsarai, through its Executive Officer, P.S. Salsingsarai, District-Samastipur.

... .. Appellant/s

Versus

1. Smt. Sita Devi No. 1 W/o Sri Shankar Ram R/o Mohalla- Bhagwanpur Chokshekhu , Ward no. 2 , P.S. : Dalsingsarai, Dist.- Samastipur.
2. The State of Bihar through the Chief Secretary, Bihar, Patna
3. The Secretary , Urban Development Department , Bihar, Patna.
4. District Magistrate, Samastipur
5. S.D.O.-Cum- Chairman, Notified Area Committee, Dalsingsarai, Samastipur.
6. Vice - Chairman , Notified Area Committee, Dalsingsarai, Samastipur.
7. B.D.O., Dalsingsarai, Samastipur.

... .. Respondent/s

Letters Patent Appeal No. 1378 of 2015
In
Civil Writ Jurisdiction Case No.247 of 1999

Notified Area Committee, Dalsingsarai, Now Dalsingsarai Nagar Panchayat, Dalsingsarai, through its Executive Officer, P.S. Dalsingsarai, District-Samastipur.

... .. Appellant/s

Versus

1. Prakash Ram, Son of Late Motilal Ram, resident of Mohalla- Chaklokman, Ward No. 3, P.S. : Dalsingsarai, District- Samastipur.
2. The State of Bihar through the Chief Secretary, Bihar, Patna.
3. The Secretary, Urban Development Department, Bihar, Patna.
4. District Magistrate,Samastipur.
5. S.D.O.-cum-Chairman, Notified Area Committee, Dalsingsarai, Samastipur.
6. Vice- Chairman, Notified Area Committee, Dalsingsarai, Samastipur.
7. B.D.O., Dalsingsarai, Samastipur.

... .. Respondent/s

Letters Patent Appeal No. 1445 of 2015
In
Civil Writ Jurisdiction Case No.12009 of 1998

Dalsingsarai Nagar Panchayat, Dalsingsarai through its Executive Officer, P.S.Dalsingsarai, District - Samastipur.

... .. Appellant/s

Versus



1. Dilip Mallick S/o Late Bindeshwar Mallick R/o Mohalla - Choklokman, Ward no. 3, Gudri Dom-Toli, P.S. : Dalsingsarai, Dist. - Samastipur.
2. The State of Bihar.
3. The Secretary, Urban Development Department, Bihar, Patna.
4. District Magistrate, Samastipur.
5. B.D.O.-Cum-Chairman, Notifies Area Committee, Dalsingsarai, Samastipur.
6. Vice-Chairman, Notified Area Committee, Dalsingsarai, Samastipur.
7. B.D.O. Dalsingsarai, Samastipur.

... .. Respondent/s

=====

Letters Patent Appeal No. 1536 of 2015
In
Civil Writ Jurisdiction Case No.248 of 1999

=====

Notified Area Committee, Dalsingsarai, Now Dalsingsarai Nagar Panchayat Dalsingsarai, through its Executive officer, P.s Dalsingsarai District samastipur.

... .. Appellant/s

Versus

1. Dev Narain Ram son of Bhagwan Ram Resident of Mohalla- Rain Basera ,Old Sub-Division,P.sDalsingsarai, District Samastipur.
2. The State of Bihar.
3. The Secretary ,Urban Development Department, Bihar, Patna.
4. District Magistrate, Samastipur.
5. S.D.O. -cum-Chairman,Notified Area Committee, Dalsingsarai Samastipur.
6. Vice-chairman, Notified Area Committee Dalsingsarai,samastipur.
7. B.D.O. Dalsingsarai, Samastipur.

... .. Respondent/s

=====

Letters Patent Appeal No. 1365 of 2015
In
Civil Writ Jurisdiction Case No.246 of 1999

=====

Notified Area Committee Dalsingsarai, Now Dalsingsarai Nagar Panchayat, Dalsingsarai, through its Executive Officer, P.S. Dalsingsarai, District - Samastipur.

... .. Appellant/s

Versus

1. Prem Lal Ram son of Late Mauzi Ram resident of Mohalla - Sardarganj, Nawadah, P.S. Dalsingsarai, District - Samastipur.
2. The State of Bihar.
3. The Secretary, Urban Development Department, Bihar, Patna.
4. District Magistrate, Samastipur.
5. S.D.O.-Cum-Chairman, Notifies Area Committee, Dalsingsarai, Samastipur.
6. Vice-Chairman, Notified Area Committee, Dalsingsarai, Samastipur.
7. B.D.O. Dalsingsarai, Samastipur.
8. Sri Umesh Chandra Singh S/o Brajnandan Singh Conducting Officer Departmental Disciplinary Committee, N.A.C. Dalsingsarai, Samastipur.

... .. Respondent/s



Appearance :

(In Letters Patent Appeal No. 1378 of 2015)

For the Appellant/s : Mr. Dhruv Narain
Sr. Advocate
Mr. Om Prakash Agrawal
Advocate
Mr. Ashok Kumar Sinha No. -2
Advocate

For the Respondent/s : Mr.

(In Letters Patent Appeal No. 1445 of 2015)

For the Appellant/s : Mr. Dhruv Narain
Sr. Advocate
Mr. Om Prakash Agrawal
Advocate
Mr. Ashok Kumar Sinha No. -2
Advocate

For the Respondent/s : Mr.

(In Letters Patent Appeal No. 1536 of 2015)

For the Appellant/s : Mr. Dhruv Narain
Sr. Advocate
Mr. Om Prakash Agrawal
Advocate
Mr. Ashok Kumar Sinha No. -2
Advocate

For the Respondent/s : Mr.

(In Letters Patent Appeal No. 1365 of 2015)

For the Appellant/s : Mr. Dhruv Narain
Sr. Advocate
Mr. Om Prakash Agrawal
Advocate
Mr. Ashok Kumar Sinha No. -2
Advocate

For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

3 17-08-2017 Heard learned counsel for the parties.

All these writ applications were filed against the decision of the erstwhile Notified Area Committee of Dalsingsarai to dismiss the petitioners / respondents now from service on the ground that they had taken recourse to Dharna and other means of protest against the high-handedness of the then Vice-



Chairman of the then Notified Area Committee. All the petitioners, who are respondents in the batch of appeals, were Safai Karamchari.

Perusal of the impugned order, dated 15.04.2015, which is subject matter of challenge in all these appeals, throws up following facts as to the reason why Learned Single Judge set aside the order of dismissal and remitted the matter back to the disciplinary authority to proceed against the private-respondents from the stage of framing of charge-sheet. Paragraph 9 of the impugned order reads as under:

“9. The stand taken in the counter affidavit by the respondents in all the cases are identical. In my opinion, the stand which they have taken in the counter affidavit is based on the documents which have been brought on record by way of annexures to the writ applications. They have merely supported their action of dismissing the petitioners from service on the basis of confession of their guilt with respect to the charge framed against them. The documents which form the basis of the counter affidavits filed in different cases were dealt with in the order of this Court dated 27.11.1999 elaborately where this Court



was of the firm opinion that the workmen were induced to submit the admission of their guilt on the promise or understanding that on their admitting the guilt, they would be forgiven and taken back in service. I do not find any reason, nor any material had been produced before me on the basis of which I am required to take a view different from the one taken in the order, dated 27.11.1999 passed by this Court in C.W.J.C. No. 12009 of 1998. The orders, dated 03.07.1998 which are under challenge in the present batch of writ applications with respect to the individual petitioners which have been brought on record as annexures in their respective writ applications, dismissing the petitioners from service are set aside. I am of the opinion that the dismissal of the petitioners from service, in the manner in which it has been done, is highly arbitrary and abuse of executive power and deserves to be deprecated.”

If this is the background and the manner in which the services of the private-respondents was got rid off, then the Court will have to defend the right of its citizens, since the methods foul cannot be allowed to be adopted by getting rid of



inconvenient employees in the manner in which it has been done.

The Learned Single Judge has anyway remitted the matter back to the disciplinary authority, if they are still interested to proceed against them, at such belated hour. But the reason for interfering with the order of dismissal cannot be said to be bad in law at all.

All these appeals are dismissed as no interference is warranted with the order of the Learned Single Judge.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

skm/-

U			
---	--	--	--

