

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1317 of 2017

In
Civil Writ Jurisdiction Case No.8526 of 2014

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Nagar Parishad, Masaurhi through its Executive Officer.

... .. Appellant/s

Versus

1. Akhilesh Kumar Singh son of late Jagnarayan Singh resident of village - Sonepukra Bhojpur, P.S. Masaurhi, District - Patna.
2. The State of Bihar through Principal Secretary Department of Urban Development, Govt. of Bihar, Patna.
3. The Chairman, Nagar Parishad Masaurhi, Patna.
4. The Chief Executive Officer, Nagar Parishad Masaurhi, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Nagendra Kumar Singh, Advocate
For the Respondent/s	:	Mr. Banwari Sharma, Advocate
		Mr. Sahjanand Sharma, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-10-2018

1. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the learned Single Judge dated 17.08.2017, passed in C.W.J.C. No. 8526 of 2014, by which the learned Single Judge has dismissed the writ petition and has quashed and set aside the order of dismissal passed by the Nagar Parishad, Masaurhi, Patna, which was found to be absolutely illegal, without even holding any departmental enquiry, the Nagar



Parishad has preferred the present Letters Patent Appeal under Clause X of the Letters Patent.

2. We have heard learned Counsel appearing on behalf of the respective parties at length.

3. From the impugned judgment and order passed by the learned Single Judge, it appears that having found that the original writ petitioner was dismissed from service on the ground that he had taken illegal gratification of Rs. 2,800/-, even without holding any departmental enquiry and/or even without waiting for the outcome of the criminal proceedings and solely on the basis of some preliminary enquiry report of the DCLR and the said order is found to be illegal and not sustainable and thereafter when the learned Single Judge has quashed and set aside the order of dismissal, it cannot be said that the learned Single Judge has committed any error which calls for interference by us in exercise of intra-court appellate jurisdiction.

4. We are in complete agreement with the view taken by the learned Single Judge. At this stage, learned Counsel appearing on behalf of the appellant Nagar Parishad has requested to reserve liberty in favour of the appellant herein Nagar Parishad to pass appropriate order in accordance with law and after holding enquiry.



5. It goes without saying that it will always be open for the employer/Nagar Parishad to pass appropriate order in accordance with law and after holding departmental enquiry, for which liberty is not required to be reserved.

6. With this, the present Letters Patent Appeal is dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

K.C.Jha/-

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