

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.13301 of 2017

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1. Anil Kumar Singh, Son of Subhash Singh, resident of Village - Kachnama,  
Police Station - Makhdumpur in the district of Jehanabad.  
2. Devendra Prasad, Son of Sri Kailash Prasad, resident of Village - Sumera,  
Tola - Bala Bigha, Police Station - Makhdumpur in the district of Jehanabad.

.... .... Petitioners

Versus

1. The South Bihar Power Distribution Company Limited through its Managing  
Director, Vidyut Bhawan, Bailey Road, Patna.  
2. The Managing Director, South Bihar Power Distribution Company Limited,  
Vidyut Bhawan, Bailey Road, Patna.  
3. The Finance Controller, South Bihar Power Distribution Company Ltd.  
Vidyut Bhawan, Bailey Road, Patna.  
4. The Chief Engineer, Rural Electrification, Patna.  
5. The Electrical Superintending Engineer, Electric Supply Circle, Gaya.  
6. The Electrical Executive Engineer, Electric Supply Division, Jehanabad.  
7. The Assistant Electrical Engineer, Electric Supply Sub-Division,  
Makhdumpur, Jehanabad.

.... .... Respondents

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#### Appearance :

For the Petitioner : Mr. Sunil Kumar,  
Mr. Sushant Kumar, Advocates  
For the Respondents : Mr. Anand Kumar Ojha, SC

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 23-01-2018**

Heard learned counsel for petitioners as well as learned  
counsel for the respondents.

2. The present writ petition has been filed for the following  
reliefs –

“(i) To quash the letter vide No. 751 dated 24.08.2017  
issued under the signature of respondent no. 7  
addressed to all Rural Revenue Franchisee (hereinafter  
referred as RRF), Electric Supply Sub-Division,  
Makhdumpur including the petitioners by which the  
petitioners have been directed to deposit the revenue



collection amount and bills for commission amount within a period of 3 days and after 7 days their agreement will automatically come to an end.

(ii) Also to direct the respondents to allow the petitioners to work as RRF till the date of their agreement in their respective Feeder area allotted to them by the respondents.

(iii) Also to direct the respondents not to make unnecessary/illegal interference in the smooth functioning of the petitioners as no complaint has been made by any of the consumer against the petitioners.

(iv) Also for any other relief/reliefs for which the petitioners are found to be entitled in the eye of law.”

3. Learned counsel for the petitioners submits that the impugned order of termination of the petitioners’ appointment as Rural Revenue Franchisees is wholly arbitrary and illegal and without issuance of prior show cause notice. A specific stand has been taken in paragraph 15 of the writ petition that no show cause notice has been issued to the petitioners before passing the impugned order.

4. Learned counsel for the respondent-South Bihar Power Distribution Company Limited appears and has been heard. He relies on the counter affidavit to oppose the writ petition but however, he is unable to controvert the specific stand of the petitioners that no show cause notice was issued to them.

5. Having heard learned counsel for the parties and on



Careful consideration of the materials available on record, this Court finds merit in the writ petition. The respondents have not been able to controvert the specific stand of the petitioners that the impugned order of termination of the petitioners' appointment as Rural Revenue Franchisees has been passed without issuance of prior show cause notice. In this view of the matter, there is a clear violation of principles of natural justice.

6. The impugned order dated 24.08.2017 (Annexure-1) is accordingly, quashed. It is made clear that the respondent-Company shall be at liberty to issue fresh show cause notice to the petitioners before passing a fresh order against them in accordance with law.

7. The writ petition stands allowed as above.

**(Vikash Jain, J)**

B.T/Chandran

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