

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7143 of 2001

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Kuldip Narayan Sinha son of Late Kripali Singh, resident of Village- Rupaspur
(Shekhpura) P.S. Thathari, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar (through Chief Secretary, Bihar, Patna).
2. The Secretary, Water Resources Department, Bihar, Patna.
3. The Special Secretary, Water Resources Department, Bihar, Patna.
4. The Joint Secretary, Water Resources Department, Bihar, Patna.
5. The Under Secretary, Water Resources Department, Bihar, Patna.
6. The Engineer-in-Chief-cum- Special Secretary, Water Resources Department, Bihar, Patna.
7. The Chief Engineer, Water Resources Department, Motihari.
8. The Superintending Engineer, Water Resources Department, Tirhut Canal Circle, Motihari.
9. The Executive Engineer, Tirhut Canal Division, Chakia, Motihari.
10. Syed Mohd. Asad Hami, Junior Engineer, Tirhut Canal Division, Chakia, Motihari.
11. The Secretary, Department of Finance, Bihar, Patna.
12. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Srivastava, Adv.
For the Respondent/s : Mr. Rakesh Narayan Singh, AC to AAG-15
For A.G. Bihar : Mr. Satyendra Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date: 13-08-2018

The present writ petition has been filed for quashing the order of punishment dated 30.10.2000 whereby and whereunder the petitioner has been dismissed from service.

This Court by an order dated 06.03.2018 had directed the State to inform this Court about stage of the appeal, after the learned counsel for the petitioner had apprised the Court that the petitioner has preferred an appeal against the order of punishment dated 30.10.2000 but the same has not been disposed of.



The learned counsel for the State has referred to the second supplementary counter affidavit filed by the respondents wherein it has been stated that the appellate authority had examined the appeal of the petitioner, which was filed against the impugned order of punishment dated 30.10.2000 and the same has been rejected on 6.6.2001. It has been further submitted that the order of the appellate authority has already been communicated to the petitioner, but the same is not available. The learned counsel for the Respondents has referred to the noting in the file dated 6.6.2001 wherein the appeal of the petitioner has been rejected by a one line order in the following words :- “अस्वीकृत किया जाता है।”

This Court finds that the aforesaid appellate order is utterly perverse, non-speaking and unreasoned as well as the same does not take into account the issue raised by the petitioner. The said appellate order dated 6.6.2001 is contrary to the well settled principle of law, hence is violative of the principles of natural justice.

Having regard to the facts and circumstances of the present case, the appellate order dated 6.6.2001 is not sustainable in the eyes of law, hence is set aside and the appellate authority is directed to issue notice to the petitioner herein, seeking his written submissions regarding his defence and after hearing the petitioner, the appellate authority is directed to pass a speaking and reasoned order.



The aforesaid exercise should be completed within a period of twelve seeks from today.

The writ petition is allowed to the extent indicated above.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.08.2018
Transmission Date	

