

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4203 of 2013

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Ram Ratan Singh Son Of Jangal Singh Resident Of Village- Naulagarh, Police Station- Bhagwanpur In The District Of Begusarai

.... Petitioner/s

Versus

1. The Chairman, Bihar State Electricity Board, Baily Road, Patna
2. The Secretary, Bihar State Electricity Board, Patna
3. The Joint Secretary, Bihar State Electricity Board, Patna
4. The Financial Controller, Bihar State Electricity Board, Patna
5. The Deputy Director Of Account, Bihar State Electricity Board, Patna
6. The General Manager-Cum-Chief Engineer (Electrical) Supply Division No. Ii, Muzaffarpur
7. The Electric Superintending Engineer, Supply Circle, Muzaffarpur
8. The Electric Executive Engineer, Central Store, Supply Division No. Ii, Muzaffarpur
9. The Electrical Executive Engineer, Electric Supply Division, Hajipur, Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
Mr. Ranjeet Kumar, Advocate
For the Respondent/s : Mr. Mukesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 04-07-2018

Heard learned counsel for the petitioner and the respondent State.

2. The petitioner has approached this Court seeking a direction for payment of his retiral dues.

3. Earlier when the petitioner had approached this Court for the same relief, this Court under order dated 10.09.2002 had taken note of the fact that there was some allegation regarding shortage in the store of which the petitioner was In-Charge. In view of the alleged shortage the earlier writ petition was disposed off with



the following directions :

“Considering the entire facts and circumstances of the case and the aforesaid stand on behalf of the petitioner, this writ petition is disposed of with liberty that petitioner may submit his explanation with regard to shortage in store materials etc without delay as soon as Board issues notice in this regard and upon petitioner co-operating in the matter the authorities of the Board should dispose of the pending proceeding and finalize retiral benefits of the petitioner at an early period and preferably within six months from the date of production/communication of a copy of this order so that the entire retiral benefits found payable to the petitioner as per law may be paid to him without delay.

4. Today it is submitted that I.A. No 8994 of 2013 has been filed whereby the petitioner has assailed the order dated 23.10.2013 which was issued subsequent to filling of the writ petition whereby a direction has been issued to recover the amount of Rs. 6,97,113/- from the retiral dues of the petitioner holding him responsible for the shortage in Siwan and Chhapra store.

5. Learned counsel for the petitioner submits that he was in substantial charge of Chhapra Store and was holding additional charge of Siwan Store. It is submitted that shortage has arisen on account of theft and that regarding the same he has given some communication to the respondent authorities.

6. Referring to annexure B to the counter affidavit it is



submitted by the counsel for the respondent that though such information was given to the authorities, but inspite of repeated requests, the petitioner has never furnished the case number purporting to have been lodged before the police authorities regarding the theft. The issues are therefore, disputed between the parties.

7. This Court would only consider that pursuant to the last order passed in CWJC No. 4472 of 2013 a very detailed response has been submitted by the petitioner. The order which is impugned by filling IA No 8994 of 2013 i.e., the order dated 23.10.2013 issued by the Deputy General Manager (HR and Administration) shows total non-consideration of any of the points raised by the petitioner. The entire application has been disposed off only by recording that “whatever has been submitted by the petitioner has been found insufficient”. Such an order without assigning any reason does not sub-serve the Principles of Natural Justice. None of the issues raised by the petitioner has been considered by the respondent authorities.

8. It is a basic facet of justice that an order dealing with such issues having severe re-percussion on the person is required to be disposed off after assigning reason so that decision is not arbitrary. The decision is without any reason and is apparently a product of pre-meditated or pre-conceived notion of the authority to pass the



order. The requirement of assigning the reason has been emphasized by this Court time and again. Recently Division Bench of this Court has reiterated the same in a judgment in the case of **Hassan Muzahid vs. the Bihar State Electricity Board** reported in **2015 (4) PLJR 435**.

9. In view of the aforesaid consideration, the order dated 23.10.2013 bearing memo No 282 issued by the Deputy General Manager (HR and Administration) is grossly illegal. This Court would observe that the same cannot make the basis of any recovery from the petitioner. The respondent authority would be at a liberty to take a fresh decision after considering the detailed response of the petitioner dated 27.09.2002.

10. The writ petition is allowed to extent indicate hereinabove.

11. As a result of allowing of the writ petition, the petitioner would be entitled to all consequential benefits.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.07.2018
Transmission Date	

