

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15631 of 2017

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1. Manvendra Kumar, son of Late Birendra Jha, resident of Flat No. 194, Block- 24, Road No. 12, Rajendra Nagar, Patna.
 2. Sunil Kumar, son of Late Shanti Prasad Singh, resident of Shri Krishnapuri, P.S. Shri Krishnapuri, Town and District- Patna.
 3. Smt. Sushma Rani Sinha, wife of S. Satyabadi, resident of Block No. 32, Flat No. 243, Rajendra Nagar, P.S.- Kadamkuan, District Patna.
 4. Mahanand Singh son of Late Surjoo Prasad Singh, resident of L2-57, PIT Colony, Kankarbagh, P.S. Kankarbagh, Town & District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development & Housing Department, New Secretariat, Patna.
2. The Principal Secretary, Urban Development & Housing Department, Bihar, Patna.
3. The Patna Municipal Corporation, through its Municipal Department, Maurya Lok Complex, P.S. Kotwali, District- Patna.
4. The Patna Municipal Commissioner, Maurya Lok Complex, P.S. Kotwali, District Patna.
5. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Navesh Nandan
For the Respondent/s	:	Mr. S.P.Singh -Ga3
	:	Mr. Shiv Kumar, AC to GA3
For PMC	:	Mr. Jawed Gaffar Khan
For the AG	:	Mr. Raghwan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-04-2018

Heard Mr. Navesh Nandan, learned counsel for the petitioners, Mr. S.P.Singh and Mr. Shiv Kumar, learned counsel for the respondents, Mr. Jawed Gaffar Khan, learned counsel for PMC and Mr. Raghwan, learned counsel for AG.

The petitioners herein have challenged the order contained in letter no. 2943 dated 18.03.2016 passed by the



respondent no. 4, whereby and whereunder the salary of the petitioners has been stopped purportedly on the basis of Audit Report dated 16.03.2016 issued under the signature of Senior Audit Officer/ Accountant General, Bihar, Patna and the pay scale of the petitioners has been illegally reduced.

The learned counsel for the petitioners submits that the aforesaid order dated 18.03.2016 has been passed without any notice to the petitioners as well as without granting them an opportunity of hearing before passing the impugned order dated 18.03.2016. It is further submitted that in a similar situation, this Court by an order dated **13.12.2017** passed in **CWJC no. 12341 of 2016** has been pleased to quash similar type of impugned order on the ground of non-grant of opportunity of hearing as well as on the ground of non-compliance of principles of natural justice.

In view of the aforesaid, the order dated 29.04.2016 passed by the respondent no. 4 is set aside and the matter is remitted back to the respondent no. 4, who if so advised, may proceed afresh in accordance with law and pass a detailed, reasoned and speaking order after giving an opportunity of hearing to the petitioners herein. It goes without saying that on account of quashing of the impugned order dated 18.03.2016, the salary of the petitioners shall stand restored, however payment of the



arrears shall abide by the final outcome of the proceeding which would be completed within a period of three months from today.

(Mohit Kumar Shah, J)

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