

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6918 of 2018

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Balmiki Sharma Son of Late Raj Nandan Sharma Resident of Mohalla -
Chandpur Bela, Anil Bhawan Gali, P.S. Jakkanpur, District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Water Resources Department, Bihar, Patna.
2. The Accountant General, Govt. of Bihar, Patna.
3. The Director, Land Acquisition and Resettlement, Govt. of Bihar, Patna.
4. The Special Land Acquisition Officer, Gandak Yojna, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nachiketa Jha, Adv.
For the State	:	Mr. Sanjay Prasad, AC to AAG4
For the A.G.	:	Mr. Raj Nandan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 18-09-2018

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner is challenging the order no. 161 dated 2.2.2018 passed by the Principal Secretary cum Appellate Authority whereby the appeal filed by the petitioner has been rejected affirming the order no.50 dated 24.5.2017 whereby the total pension amount has been forfeited in exercise of power under Section 43(B) of the Bihar Pension Rules.

Learned counsel for the petitioner submits that the appellate order is completely perverse order, requires interference of this Court, inasmuch as, the order passed by the appellate authority suffers from illegality on account of the fact that the appellate authority has not applied his judicial mind and passed a cryptic order without considering the grounds raised by the petitioner in the appeal.



Learned counsel for the State is unable to justify the order passed by the appellate authority as the same is completely a cryptic order, devoid of any reason.

It is well settled principle that reason is a living link between the judgment and the judgment writer. Reference in this connection may be made to the judgment passed by the Hon’ble Apex Court in the case of Chairman and Managing Director, United Commercial Bank & Ors. Vs. P.C. Kakkar reported in 2003 (4) SCC 364 wherein it has been specifically held that every order passed by the quasi judicial body must disclose reason for passing such an order.

In that view of the matter, the order no. 161 dated 2.2.2018 is quashed and the matter is remanded back to the appellate authority who will pass a fresh order giving reason after hearing the parties within a period of eight weeks from the date of receipt/production of a copy of this order.

In the result, this writ application stands allowed to the extent indicated above.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2018
Transmission Date	

