

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7656 of 2015

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Ajay Kumar Gupta S/o Late Dinanath Prasad, Resident of village- Chanpatia,
Main Road, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief North, Water Resources Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Valmikinagar Motihari.
5. Sri Arun Kumar, the Superintending Engineer, Drainage and Investigation Circle, Water Resources Department, Motihari
6. Sri Yogendra Prasad Singh, the Executive Engineer, Sikrahana Embankment Division, Motihari.
7. Sri Naw Prakash Bharti, Estimating Officer, Sikrahana Embankment Division, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar
For the State	:	Mr. U.B.Singh, SC 19
For Respondents 5 to 7	:	Mr.Harshvardhan Shrivastava

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-06-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner was assistant engineer posted in the department of Water Resources, Sikrahana Embankment Subdivision no. 2, Motihari. Petitioner was not present when one of the work cites was inspected by the Superintending engineer on 12.02.2015. Inspection report directs the Executive engineer to treat the petitioner absent on 12.02.2015 and to withhold salary for the said date. Pursuant thereto show cause



had been issued by the Executive engineer on 26.02.2015 as to why action be not taken by issuing charge memo under *Parparat* “KA”. Without issuing any charge memo and conducting any enquiry in accordance with law merely, on the basis of enquiry report submitted by Superintending engineer, salary for one day i.e. 12.02.2015 has been withheld.

The order dated 16.02.2015 issued by respondent no.5 to the extent that he directs to treat the petitioner absent on 12.02.2015 and to withhold salary for one day without complying with natural justice is unsustainable in the eye of law.

In the circumstance, petitioner should be paid his salary for the said date, if there is no any other impediment in granting the same.

Writ petition is allowed.

(Madhuresh Prasad, J)

s.hassan/-

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