

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12384 of 2014

Prabhu Prasad, S/o Late Ramsaran Prasad, Resident of Village Belbanwa
Motihari, Police Station Motihari, District East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Department of Energy, Government of Bihar, Patna
2. The General Manager-cum-Chief Engineer, North Bihar Power Distribution Company Limited, Tirhut Electric Supply Region, Muzaffarpur
3. The General Manager, (Human Resources and Administration), North Bihar Power Distribution Company Limited, Tirhut Electric Supply Region, Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s : M/s Uma Kant Shukla, Rajesh Ranjan I,
Advocates

For Respondents 2 & 3 : Mr Vinay Kirti Singh, Sr Advocate with
M/s Vijay Kr Verma, Akhileshwar Singh,
Advocates

For the S t a t e : Mr Vijay Bharti, AC to SC VII

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 08-04-2019

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

2 Petitioner's counsel submits that the petitioner has been terminated just prior to his attaining the age of superannuation without any basis.

3 The respondent-authorities have, in their counter affidavit, submitted that the petitioner is alleged to have obtained appointment by impersonating himself in place of some other



person. Issue is being enquired into in the criminal proceedings arising out of a vigilance case. It is their further assertion that the petitioner was called upon to show the documents in respect of appointment including appointment letter by several communications earlier. They have referred to Communications dated 18.05.2001, 26.11.2001, 02.06.2003 and 23.12.2013. It is their case that in spite of several opportunities, the petitioner has not availed of the same and, therefore, he cannot be heard to contend that the order is bad in law. Learned counsel for the petitioner, however, submits that the show cause has never been served on the petitioner.

4 Petitioner is required to produce the documents in support of validity of his appointment since the very basis of his appointment is being challenged by the respondent-authorities. If same is done, then it may be considered by the Appellate Authority.

5 The respondents' counsel submits that the Managing Director is competent to hear the appeal against the order of the General Manager dated 30.01.2014 impugned in the instant writ proceedings.

6 Since now the petitioner is aware of the issues, which are required to be looked into by the authorities, this Court would



direct that he should produce the documents in support of his appointment before the Managing Director/Appellate Authority. The Managing Director should consider the same and pass a reasoned and speaking order in accordance with law.

7 Since plea of alternative remedy is raised by the respondents' counsel, this Court would only observe that if the appeal is filed within two months from today, the same shall be considered on its own merit without raising the issue of delay.

8 Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2019
Transmission Date	NA

