

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8693 of 2019

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Surya Kumar Jha Son of late Dinesh Jha, Resident of Village- Panchgawan,
Police Station- Rosera, District- Samastipur, at Present Resident of Village-
Ahiyapur, Police Station- Manuchak, District- Begusarai.

... .. Petitioner/s

Versus

1. The Union of India through the Divisional Railway Manager, E.C. Railway Danapur.
2. The Additional Divisional Railway, E.C. Railway, Danapur.
3. The Divisional Personnel Officer, E.C. Railway, Danapur.
4. The Divisional Mechanical Engineer, E.C. Railway, Danapur.
5. The Senior Section Engineer (Loco), E.C. Railway, Jhajha.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kuar, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 22-04-2019 Heard learned counsel for the petitioner at length.

2. The contention raised by the learned counsel for the petitioner is that as a matter of fact, the entire proceedings admittedly went ex-parte without the participation of the petitioner and the notices which were dispatched admittedly were not served as the petitioner was not living at the place where the notice had been dispatched. Thus, the entire proceedings being in violation of the principles of natural justice, the dismissal order ought to have been interfered with



by the Tribunal and, therefore, there is an error apparent which deserves to be corrected by directing a fresh *de novo* enquiry to be conducted.

3. From the records that have been filed along with the writ petition, we find that the petitioner was relying on the prescriptions of some private doctors with regard to his alleged mental ailment which is made basis for the entire period of his unauthorized absence. Learned counsel contends that this was on account of the petitioner having lost his son in some alleged extremists activity.

4. We are not impressed by this argument for the reason that from the record, we find that the notices upon not being served were published in three newspapers of wide circulation and, therefore, there was ample notice to the petitioner who could have appeared or sought time or could have voluntarily tendered information in this regard. The petitioner does not appear to have taken any action at his end, therefore, he cannot be heard to blame the respondent-authority for proceeding ex-party. The enquiry did proceed behind the back of the petitioner and culminated in his ultimate dismissal. We do not, therefore, find any procedural error so as to warrant interference at the instance of the petitioner in this case where



there is no valid explanation worth the name of the unauthorized
absence of the petitioner. The petition lacks merit and is,
accordingly, dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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