

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10651 of 2019

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Priyanka Barnwal Daughter of Gautam Kumar Barnwal Resident of At- Asna Inderwa, Bypass Road, P.O. and P.S.- Jhumri Telaiya, District- Koderma, Pin Code- 825409 (Jharkhand), at present residing at C/o Kulwant Singh, Opposite Sapna Apartment, Near State Bank of India, Naya Tola, P.O.- Bankipur, P.S.- Kadamkuan, District- Patna, Pin Code- 800004 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Industry Department, Government of Bihar, Patna.
2. The Development Commissioner, Government of Bihar, Patna.
3. The Bihar State Financial Corporation, Fraser Road, Patna through its Managing Director.
4. The Managing Director, Bihar State Financial Corporation, Fraser Road, Patna.
5. The Deputy Manager (P and A), Bihar State Financial Corporation, Fraser Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sumit Kumar Jha
For the Respondent/s : Mr.Abbas Haider (Sc6)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 05-09-2019 Heard counsel for the petitioner and counsel for the respondents-Corporation.

Relying upon the decision of the Apex Court in the case of Senior Superintendent, R.M.S. Cochin and another vs. K.V. Gopinath reported in (1973) 3 Supreme Court Cases 867, it is submitted by counsel for the petitioner that the petitioner could not have been removed without one month prior notice or salary for one month as contemplated under the contract forming the basis of contractual engagement for a period of one year. Agreement is dated 06.12.2018.



Clause 6 specifically mentions which reads as follows:-

“That accordingly, the Second Party may also terminate the contract of the First Party by giving one month notice or one month remuneration in lieu thereof”.

Respondents realized that services of the petitioner were not required and firstly resorted to discontinue services of the petitioner vide internal memo dated 10.04.2019 which is annexure 5.

Since the same did not give one month notice or one month remuneration in lieu thereof, respondents realized their mistake and came out with the order which is annexure 6 granting one month notice to the petitioner with effect from 10.04.2019.

Submission of counsel for the petitioner is that in attendance register, authorities have entered a note that petitioner has been dismissed on 11.04.2019 is immaterial.

In the opinion of this court, respondents have complied with the terms which form basis of requirement of the petitioner in view of office order dated 10.04.2019 (Annexure 6).

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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