

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 879 of 2018

In

Civil Writ Jurisdiction Case No. 488 of 2016

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Sunil Kumar Verma, son of Sri Radhey Shyam Prasad, Resident of Ganga Mahal, RB Road, Post Office-Chowk, P.S. Kotwali, District-Gaya.

... .. Appellant

Versus

1. The State of Bihar, through the Commissioner-cum-Secretary, Road Construction Department, Bihar, Patna.
2. Engineer-in-Chief cum Additional Secretary, Road Construction Department, Bihar, Patna.
3. The Deputy Secretary, Road Construction Department, Bihar, Patna.
4. The Superintending Engineer, Road Construction Department, Saran Road Circle, Hajipur, Vaishali.
5. The Executive Engineer, Road Construction Department, Road Division, Saran.
6. The Assistant Engineer, Road Construction Department, Road Sub Division, Maharajganj, Saran.
7. The Estimating Officer, Road Construction Department, Road Sub Division, Maharajganj, Saran.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Rajendra Kumar Verma, Advocate
For the Respondent/s : Mr. Raj Ballabh Pd.Yadav AAG11
Mr. A.C. to AAG-11

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

3. 10-12-2019 Heard learned counsel appearing for the appellant as well as learned A.C. to Addl. Advocate General – 11.

2. The appellant has challenged the impugned judgment dated 28-02-2018 passed by the learned Single Judge



in C.W.J.C. No. 488 of 2016, by which, the learned Single Judge dismissed the writ petition filed on behalf of the appellant.

3. The appellant was appointed on contract basis and joined his post on 07-12-2013, but subsequently, the Engineer-in-Chief, Road Construction Department, Bihar, Patna (hereinafter referred to as the 'Engineer-in-Chief'), vide Office Order No. - Pr.3/M.-99/2010 115, dated 06-06-2014, as contained in Memo No. - 2280(E) dated 06-06-2014, terminated the appellant and made certain remarks against him. The appellant challenged the above-stated order dated 06-06-2014 of the Engineer-in-Chief, which was annexed in the writ petition, as Annexure – 1, on several grounds before the writ court, but the learned Single Judge did not consider the same on the ground that the contract period of the appellant had already expired.

4. Learned counsel appearing for the appellant submits that the only grievance of the appellant is that the adverse remarks, made in order dated 06-06-2014, shall cause hurdle in future prospect of the appellant, but the learned Single Judge failed to take notice of the aforesaid fact.

5. The Annexure – 8 to the writ petition goes to show that when the appellant was appointed on contract basis, in his



appointment letter, two following modes of termination were given.

(i) The contract can be cancelled prior to expiry of the contract period by giving one month prior notice or by giving one month pay.

(ii) The contract can be cancelled, if the appointee fails to join his place of posting within one month from the date of his joining.

6. However, in the present case, the concerned authority found that the appellant was unauthorisedly remained absent and taking note of the aforesaid fact, the concerned authority terminated the appellant, vide order dated 06-06-2014. But before passing termination order, the concerned authority made certain adverse remarks against the appellant, which was, in our view, at all not needed in the light of terms and conditions executed between the parties at the time of appointment of the appellant and therefore, in the aforesaid circumstance, this Letters Patent Appeal is disposed of with this observation that the adverse remarks made against the appellant in order dated 06-06-2014 passed by the Engineer-in-Chief, Road Construction Department, Bihar, Patna shall not affect the future prospect of the appellant.

7. In the aforesaid manner, the impugned judgment



dated 28-02-2018 passed by the learned Single Judge in
C.W.J.C. No. 488 of 2016 is modified to the above-stated extent.

(Hemant Kumar Srivastava, J.)

(Prabhat Kumar Singh, J.)

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