

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7390 of 2011

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Sri Suresh Pd. Singh Late Chandrika Pd. Singh R/O Vill. Shanti Nikentan,
New P.S. Dehri, Distt. Rohtas

... .. Petitioner/s

Versus

1. THE BIHAR STATE ELECTRICITY BOARD, Vidyut Bhawan , Bailey Road Patna
2. The Secretary Bihar State Electricity Board Vidyut Bhawan , Bailey Road Patna
3. Financial Controller Bihar State Electricity Board Vidyut Bhawan , Bailey Road Patna
4. Joint Secretary Bihar State Electricity Board Vidyut Bhawan , Bailey Road Patna
5. General Manager/ Chief Engineer Central Area, Electricity Board, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Respondent/s : Mr.Nikesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 08-07-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner has assailed the order dated 23.06.2003 whereby petitioner has been awarded punishment of withholding 1% pension as also appellate order dated 06.08.2010 whereby and whereunder appeal preferred by the petitioner has been rejected.

The brief background is that the petitioner has been proceeded against on account of allegation that he had allowed electrical connection in favour of one Raj Nath Singh ignoring the fact that electrical connection in the same premises had earlier been disconnected on account of dues of Rs 96434/- in favour of uncle of said Raj Nath Singh, namely, Sharda Prasad.



Counsel for the petitioner submits that the order is unsustainable as respondents have refused to make available documents requested by the petitioner, and as such he has been deprived of submitting his response to show cause notice issued by GM-cum-Chief Engineer CA.

This court would find from the appellate order that the appellate authority has taken exception to non-filing of the petitioner's response to the show cause notice by taking note of the fact that opportunity was granted to the petitioner by GM-cum Chief Engineer to examine the various papers requested which were available in the sub divisional office. The Appellate authority, considering this aspect of the matter, has found it to be case where petitioner has not availed opportunity and therefore, has refused to interfere with order of punishment. The appellate authority however, has not considered the stand taken by the petitioner that no dues was mentioned in the consumers ledger against the name of Sri Sharda Prasad.

In view of such factual position, petitioner could not have been proceeded against merely because dues were subsequently shown by the auditor.

Whether dues were mentioned in consumers ledger therefore, is issue which has to be determined by the authority by referring to the consumers ledger. If dues are not reflected in the consumers ledger, there may have been an occasion to interfere with



the punishment awarded to the petitioner. If dues are there, position may be otherwise.

Writ petition is disposed of with direction to the appellate authority to call for consumers ledger and examine the same to verify the assertion made by the petitioner that dues have not been shown there. Petitioner should also be permitted to appear and participate on the date on which consumers ledger is considered by the appellate authority and thereafter appropriate order shall be passed by the appellate authority. While considering issue the order dated 06.08.2010 earlier passed by the appellate authority shall not stand in the way of the authority.

Let consideration be done expeditiously and preferably within three months. Petitioner should also demonstrate full cooperation before the appellate authority.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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