

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3132 of 2014

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Arun Kumar S/O Sitaram Bahardar Resident Of Village- Gorraha, Bisanpur,
P.S- Narpatganj, District- Araria, At Present Working As Panchayat Rozgar
Sevak, Posdaha Gram Panchayat, P.S- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Development Department, Govt. Of Bihar,
Patna.
3. The Manrega Commissioner, Bihar, Patna.
4. The District Magistrate, Araria.
5. The Deputy Development Commissioner, District Rural Development
Authority (Manrega Cell), Araria.
6. The Executive Engineer, Manrega, Araria.
7. The Program Officer, Narpatganj, Araria.
8. The Block Development Officer, Narpatganj, Araria.
9. The Mukhiya, Gram Panchayat Raj, Posdaha Panchayat, Narpatganj, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Harendra Pd. Singh, Sr. Advocate Mr. Arbind Kumar, Advocate
For the Respondent/s	:	Mr.A.K. Chaudhary, Aag13

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 07-01-2019

Learned senior counsel appearing for the petitioner has submitted that the recovery of Rs. 385800/- sought to be recovered from the petitioner and others pursuant to decision dated 23.03.2013 is without affording the petitioner even an opportunity to examine the alleged enquiry report which has been relied upon in the order dated 23.03.2013.

The enquiry report is enclosed with the order dated 23.03.2013. The petitioner therefore, now is in possession of the enquiry report.



The post facto submission of the enquiry report however, does not sub-serve the principles of natural justice. Before the order dated 23.03.2013 having civil consequences was issued relying upon the enquiry report, the same was required to be served upon the petitioner. Only after complying with the principles of natural justice the order purporting to make recovery from the petitioner could have been issued. That being not done in accordance with law. This Court would direct that no recovery be made from the petitioner pursuant to the order dated 23.03.2013.

The respondents authority however, may proceed against the petitioner by asking him to give a show cause on the enquiry report and only after complying with the principles of natural justice any order imposing civil consequences may be issued to the petitioner.

Writ petition is allowed with the aforesaid observations and directions indicated herein above.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

