

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23218 of 2019

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Sadanand Thakur Son of Late Kari Thakur Resident of Village- Parri, P.S.-
Biraul, District- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Transport Department,
Government of Bihar, Patna.
2. The Administrator Bihar State Road Transport Corporation, Paribahan
Bhawan, Patna.
3. The Chief of Administration Bihar State Road Transport Corporation,
Paribahan Bhawan, Patna.
4. Sri Naresh Jha The Regional Manager/ Divisional Manager Bihar State
Road Transport Corporation, Purnea.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sanjeeb Kumar Sanju
For the Respondent/s : Mr.Anil Kr. Singh (Gp26)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-01-2020 Heard learned Counsel for the petitioner and the learned
Counsel for the respondent State.

Petitioner's counsel submits that entire proceedings have been conducted against the petitioner in gross violation of principles of natural justice. The submission is to the extent that the proceedings have been conducted even without any Presenting Officer to present the case on behalf of the department. While making such submission, it is stated that such procedural lapse would in itself vitiate the findings of the Disciplinary Authority and the order of punishment dated 23.9.2019 of the Regional Manager dismissing the petitioner from service. Various other procedural irregularities are also alleged.

Counsel for the respondent Corporation draws attention of the Court to Annexure P-16 i.e. appeal of the petitioner dated 6.6.2019 before the Administrator of the Corporation. The same has



been supplemented by Annexure P-9 dated 4.9.2019.

Learned Counsel for the petitioner submits that on account of inaction of the Administrator in considering petitioner's appeal he is being made to suffer the consequence of an otherwise grossly illegal order by the Regional Manager (Annexure 4).

In the circumstances and since the matter is pending consideration before the Administrator (respondent No. 2) this Court considers it appropriate that respondent No. 2 be and is directed to consider petitioner's appeal after allowing him due opportunity in accordance with the procedure for disposal of appeal in the Corporation expeditiously and without any undue delay. Final order should be passed by the Administrator by assigning reasons positively within six weeks from the date of receipt/production of a copy of this order. It is made clear that the petitioner would be under an obligation to fully cooperate for disposal of the appeal.

With the direction aforesaid the writ petition is disposed of.

(Madhuresh Prasad, J)

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