

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7795 of 2020

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Ranjana Thakur Wife of Niranjana Thakur Resident of Village Bhagalpura,
P.S.-Kaira, P.O.-Bhagalpura, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Commissioner, Munrega,
3. The District Rural Development Agency Munger through its Director Accounts, Administration and Self Employment.
4. The Deputy Development Commission, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ritika Rani
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-02-2021

1. The present writ petition has been filed for quashing the Office Order contained in Memo no. 316 dated 20.02.2020, issued under the signature of Deputy Development Commissioner, Munger, whereby and whereunder the petitioner has been directed to pay a sum of Rs. 2,48,226/- for the damage caused to the Government Exchequer under the plantation work, as per the directions issued by the Rural Development Department, Bihar, Patna vide Memo dated 12.12.2019. The petitioner has also prayed for quashing that part of the report dated 31.12.2019 which pertains to the petitioner herein.

2. The brief facts of the case are that the petitioner was



the *Mukhia* of Khara *Panchayat*, Tarapur, at the relevant time and he had written a letter dated 23.11.2015, addressed to the Deputy Development Commissioner of Rural Development Agency, Munger about non-transparency in payment of the work done under the MANREGA Scheme relating to *Gram Panchayat, Khara*. The Commissioner, Munger Rural Development Department, Government of Bihar, Patna had then written a letter dated 12.12.2019 for submitting a report regarding misappropriation and taking action against those persons who are found guilty. The Committee headed by Director, Accounts Administration and Self Employment, District Rural Development Agency, Munger as also comprising of other members i.e. the Executive Engineer, Munger and Programme Officer, Sangrampur had submitted a report dated 31.12.2019 to the Deputy Development Commissioner, finding 11 persons guilty of indulging in damage of plantation work and had recommended to make recovery of a sum of Rs. 36,13,961/- and as far as the petitioner is concerned, recommendation was made for recovery of a sum of Rs. 2,48,226/- on account of the damage of the plantation work in Tarapur Block. Thereafter, the impugned order dated 20.02.2020 has been issued by the Deputy Development Commissioner, Munger directing the petitioner to deposit a sum of Rs. 2,48,226/- within a period of 10 days.



3. The learned counsel for the petitioner has submitted that neither the petitioner was given any notice to participate in the inquiry conducted by the aforesaid Three-Men Committee nor any notice has been given to the petitioner to submit a whole-sole defence regarding the punishment of recovery of a sum of Rs. 2,48,226/-, hence the entire action of the respondents including the impugned order dated 20.02.2020 is bad in law on account of violation of the Principles of Natural Justice.

4. *Per contra*, the learned counsel for the respondents, by referring to the counter affidavit filed in the present on behalf of respondent no. 4, has submitted that the petitioner has failed to discharge the duties assigned to her as per Clause 2.2.1 of NREGA Guidelines. It is further submitted that the petitioner was granted opportunity to submit her explanation vide Memo dated 06.08.2019, however no reply was submitted by the petitioner, hence the impugned order dated 20.02.2020 has been passed against the petitioner herein directing her to deposit a sum of Rs. 2,48,226/-.

Nonetheless, the learned counsel for the respondent-State has not denied the fact that no show cause notice was issued to the petitioner, seeking her reply to the proposed punishment of recovery of the aforesaid amount of Rs. 2,48,226/- and moreover, no inquiry report of the aforesaid Three-Men inquiry committee



was ever supplied to the petitioner in order to enable her to submit her wholesome and comprehensive defence.

5. I have heard the learned counsel for the parties and gone through the materials on record, from which it is apparent that neither a copy of the inquiry report of the aforesaid Three-Men Enquiry Committee has been supplied to the petitioner herein nor the show cause notice dated 06.08.2019 speaks about the proposed punishment of recovery of the pecuniary loss caused to the Government, hence the petitioner has been denied adequate opportunity to put forth her wholesome and comprehensive defence, resulting in violation of the Principles of Natural Justice, thus rendering the impugned order dated 20.02.2020, passed by the Deputy Development Commissioner, Munger, bad in law and void, consequently, the said order dated 20.02.2020 stands quashed.

6. The writ petition is allowed.

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	01.03.2020
Transmission Date	NA

