

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8125 of 2020

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Awadh Kishore Yadav, Son of Late Dileshwar Prasad Yadav, Resident of
Village-Mabarakpur, P.S.-Salkhua, P.O.-Mabarajkpur, District-Saharsa.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate
		Ms. Ritika Rani, Advocate
		Mr. Ritu Raj, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, AAG-4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-11-2021

Heard learned counsel for the parties.

The petitioner has prayed for following relief/s :-

“a. For quashing the office order
vide memo no 1999 dated 31.12.2019 issued



under the signature of Deputy Development Commissioner, Munger, as contained in **Annexure-3**, by which petitioner has been directed to return Rs.5,40,763.00 on the reason petitioner was found guilty by enquiry committee headed by Director, Accounts Administration Zila, District Rural Development Agency, Munger for damage of Government money under tree plantation work as per direction issued by Rural Development Department, Bihar Patna vide memo no 45055 dated 12.12.2019 as contained in Annexure 1.

b. Also for quashing part of the report related to the petitioner vide memo no **1995 dated 31.12.2019** as contained in **Annexure 2** issued under the signature of Director, Accounts Administration and Self employment, District Rural Development Agency, Munger, Executive Engineer, MANREGA, Munger and program Officer, Sangrampur by which report of Rs.5,40,763/- is recoverable from the petitioner also.

c. Also for commanding the respondents to not take any coercive action for recovery of Rs.5,40,763/- from the petitioner pursuant to notice dated 31.12.2019 as contained in **Annexure 3**, and enquiry report dated 31.12.2019 as contained in **Annexure 2.**”

Despite opportunity afforded no response filed.



The impugned order dated 31st of December, 2019, passed by Deputy Development Commissioner, Munger (Annexure-3, page 16), fastened the liability of Rs.5,40,763/- upon the petitioner, the amount sought to be recovered on account of certain irregularities found during the course of discharge of official functions and duties.

We notice that prior to passing of the said order, no adequate opportunity of hearing was ever afforded. Also, from the record, it is not apparent as to whether any show cause notice was ever issued or not.

Be that as it may, since the order entails civil consequences, we quash and set aside the impugned order dated 31st of December, 2019, passed by Deputy Development Commissioner, Munger against the petitioner with further direction to the petitioner to appear before respondent no.4, namely, the Deputy Development Commissioner, Munger, who shall after affording adequate opportunity to the petitioner and also supplying all materials sought to be relied upon against the petitioner, pass a fresh order within a period of two months thereafter. All questions left open.

Liberty reserved to the parties to take recourse to such alternative remedies as are otherwise available in accordance



with law.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/ Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	25.11.2021
Transmission Date	

