

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10733 of 2019

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Arjun Prasad Son of Late Basudeo Prasad, Residents of Village-Abgil
Rampur, P.S.-Mednichowki, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief secretary, Water Resources Department, Bihar, Patna.
3. The Engineer-in-Chief (Headquarter), Water resources Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief-Cum-Conducting Officer, Flood Control and Drainage, Water Resources Department, Govt. of Bihar, Patna
5. The Joint Secretary, Water Resources Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh (GA 2)
		Mr. Akhileshwar Singh, AC to GA 2

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 16-12-2021

Supplementary counter affidavit filed on behalf of
Respondents is taken on record.

Heard learned counsels for respective parties.

In the instant petition, petitioner has prayed for the
following reliefs:-

*“(i) For quashing the order
contained in memo no.1879 dated
30.08.2018 passed by the by the
respondent Engineer in Chief
(Headquarter), which communicated
through a letter vide letter no.662 dated
30.08.2018, issued under the signature
of respondent Executive Engineer, by
which petitioner has been dismissed*



from the post of Junior Engineer as the same said order of major punishment of dismissal has been passed on complete non application of judicial mind and so will said to be an order of non speaking order, violating the mandate of relevant provision of Rule of law deserves to be quashed in the facts and circumstances of the case.

(ii). That the petitioner further requires an order direction from this Hon'ble Court for quashing the entire departmental proceeding vide order no.22 read with memo no.66 dated 18.01.2017 includes malafide, biased and baseless enquiry report submitted by the respondent Engineer-in- Officer, Patna, chief-cum-Conducting communicating through a letter vide letter no.655 dated 13.03.2018 issued under the signature of Joint Secretary to the Govt., who conducted the proceeding without following the mandatory requirement of conducting departmental proceeding, which was proceeded on alleged Articles of charges of alleged irregularities of breach of terms and condition of Contract as contained in the issued charge sheet under prapatra "K" dated 21.01.2017 against the petitioner for which petitioner is neither liable nor any role in the alleged Article of charge, which has issued on the sole basis of repor dated 24.03.2015 submitted by the two member team of the departmerntal flying squad division, Patna, presided by the respondent Executive Engineer and Assistant Engineer respectively, who enquired the same without any complaint of concerned beneficiary public and as such the entire



departmental proceeding deserves to be quashed.

(iii) That the petitioner further requires an order/ direction from this Hon'ble Court for quashing the Appellate Order contained in memo no.742 dated 09.04.2019, a cryptic and non speaking order, who without its own independent reason etc., violating mandatory well sketched required rule under clause 27(2)(3) of CCA Rules 2005 and relevant provision of the Constitution of India, has rejected the Appeal of the petitioner.

(iv) That the petitioner further requires an order/direction from this Hon'ble Court for reinstating the petitioner on their concerned working relevant Concerned post of Junior Engineer after setting aside the order of dismissal, the Concerned departmental proceeding includes imposed punishment and the Appellate order with granting and paying all due Consequential monetary benefits for which petitioner IS entitled in the facts and Circumstances of the case and as per well per sketched judicial pronouncement in this regard.

(v) That any other relief/reliefs may be granted to the petitioner for which the petitioner is entitled under the relevant provision of law and in the facts and circumstances of the case.”

Learned counsel for the petitioner submitted that the present matter is covered by decision dated 04.12.2018 passed in



CWJC No. 16258 of 2017 and it was subject matter of LPA No. 1161 of 2019. There is no interim order in LPA.

In the light of these facts and circumstances, the present petition stands disposed off in terms of order passed in CWJC No. 16258 of 2017 subject to outcome of LPA No. 1161 of 2019.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

