

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19889 of 2018

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Amiya Chandra Verma, Son of Late Abhai Chandra Verma, resident of Diwan Mohalla, Hamam Lane Patna City P.S.-Khajekalan, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Environment and Forest Department, Government of Bihar, Patna
2. The Chief Secretary, Government of Bihar, Patna
3. The Principal secretary, Department of Environment and Forest Department, Government of Bihar, Patna
4. The Chief Conservator of Forest, Bihar, Patna.
5. The Joint Secretary to the Government, Department of Environment and Forest Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Vinay Mistry, Advocate
For the State : Mr.Jay Prakash Sharma, AC to GP-21

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 08-08-2022 The limited grievance of the petitioner is that he was not afforded opportunity of hearing on the appeal submitted by him.

The appellate order has been passed by the Principal Secretary on 20.04.2018.

The petitioner while working as Ranger at the Siwan Forest Range was subjected to proceedings on certain grounds of dereliction of duty leading to huge financial loss. The petitioner was held guilty by order of the Principal Chief Conservator of Forests dated 18.06.2015. The petitioner has preferred an appeal against the said order, which has been



disposed of by the order dated 20.04.2018. The petitioner's appeal is Annexure P/6 to the writ petition.

On perusal, it appears that the petitioner has filed a detailed and elaborate appeal raising various issues on the merits of the matter as also on account of some procedural lapses committed during the enquiry. The same has been rejected by the appellate authority by an order, which reads as follows :

"उपरोक्त वर्णित तथ्यों से स्पष्ट है कि बिहार सरकारी सेवक (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 2005 के नियम -17 के प्रावधानों के आलोक में श्री वर्मा के विरुद्ध संचालित विभागीय कार्यवाही का समुचित निष्पादन किया गया है।"

The order does not assign any reasons and is in gross violation of the settled law requiring the authority discharging quasi-judicial function to record reasons while passing order as per judgment of the Apex Court in the case of ***Kranti Associates Private Limited & Another Vs. Masood Ahmad Khan & Others***, reported in ***(2010) 9 SCC 496***.

The other point, which has been raised by the petitioner and which was recorded in the earlier order of this Court, is that the petitioner was not heard by the appellate authority.



Specific reply of the appellate authority on the issue is to be found in the supplementary counter affidavit filed on his behalf. The appellate authority has stated in paragraph 7 of the supplementary counter affidavit that the order was passed on the grounds raised in the appeal and that there is no specific averment that the petitioner was allowed any opportunity of hearing by the appellate authority.

For the reasons, in view of above consideration this Court would observe that the order dated 20.04.2018 passed on petitioner's appeal is unsustainable in law, and is quashed.

The appellate authority would be required to pass order on the petitioner's appeal afresh, showing consideration by a reasoned and speaking order.

Writ application is allowed.

(Madhuresh Prasad, J)

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