

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3377 of 2023

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Jitendra Narayan Lal Das Son of Late Ghana Nand Das Retired Principal Chief Engineer, South East Railway, Former Director, (Program Implementation) I.D.A., Patna, resident of 702, North Udaygiri Apartment, Budh Marg, Patna, P.S.- Kotwali, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna- 800015.
2. The Chairman, Infrastructure Development Authority (I.D.A.), Main Secretariat Building, Patna- 800015.
3. The Additional Chief Secretary, Industries Department, Government of Bihar, Patna- 800015.
4. The Managing Director, Infrastructure Development Authority (I.D.A.), Udyog Bhawan, East Gandhi Maidan, Patna- 800004.
5. The Director (Administration), I.D.A., Udyog Bhawan, East Gandhi Maidan, Patna- 800004.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajan Divyanshu, Advocate
For the State	:	Mr. Kinkar Kumar, SC- 9
For Respondent Nos. 2,4 & 5	:	Mr. Vikash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 21-08-2023

Heard learned counsel for the petitioner and learned counsel for the respondent-Authority.

2. Petitioner has approached this Court seeking quashing of the order dated 25-08-2020, bearing Memo No. 1749/Estt., whereby his contractual existence in the respondent-Authority as ‘Director (Program Implementation)’ has been terminated.



3. Learned counsel for the petitioner submits that he was required to be given one (1) month notice or payment in lieu of one (1) month notice, which has not been done. The order, therefore, is in violation of Rule- 1.4 (a) of the IDA Regulation 2007 Part- II.

4. Learned counsel for the respondent-Authority submits that the petitioner, admittedly, resigned on 30-07-2020. Therefore, the petitioner's contention that he ought to have been given one (1) month notice or payment in lieu thereof, is thoroughly misconceived. The Authority being conscious of the effect of the impugned order, which was alleging misconduct has in appeal filed by the petitioner, taken away the stigma attached upon the petitioner by the impugned order. The Appellate Authority, has held as follows:-

".....चयन के मौलिक अधिकार को दृष्टिगत रखते हुए उन्हें इस कृत्य के लिए किसी भी परिस्थिति में Misconduct की श्रेणी में नहीं रखा जा सकता है। अतः श्री दास की सेवा समाप्ति के आदेश 1749/Estt दिनांक 25.08.2020 में लगाये गए Misconduct के आरोपों से श्री दास को मुक्त किया जाता है। शेष आदेश यथावत रहेगा।"

5. The Court finds that no stigma has been attached to



the petitioner’s removal. Admittedly, he has resigned himself on 30-07-2020, which also has been accepted, and therefore, the petitioner’s assail to the order for non-payment of one (1) month salary or notice of one (1) months is thoroughly misconceived.

6. Accordingly, writ petition is dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24-08-2023
Transmission Date	N/A

