

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7271 of 2016

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Ajit Kumar Son of Sri Ram Lalan Ram, resident of 22/E, Mangalam Vihar Colony, Ara Garden Road, Jagdeo Path, P.O.- Veterinary College, P.S.- Rupaspur, District- Patna, at present Lekha Nagar, in front of Holy Cross International School, Khagaul Road, P.O.+ P.S.- Khagaul, District- Patna.

... .. Petitioner/s

Versus

1. Bihar State Power (Holding) Company Ltd. Patna, having its registered office at Vidyut Bhawan, Bailey Road, Patna, successor of the erstwhile Bihar State Electricity Board, through its Chairman-cum-Managing Director.
2. South Bihar Power Distribution Company Ltd. (a Govt. of Bihar undertaking), having its registered office at Vidyut Bhawan, Bailey Road, Patna, through its Chairman-cum-Managing Director.
3. General Manager (H.R. and Admn.), South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. Deputy General Manager (H.R. and Admn.), South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
5. Deputy General Manager (Revenue), South Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
6. Executive Engineer, Electricity Supply Division, Biharsharif.
7. Assistant Electrical Engineer, Electricity Supply Sub-Division (in-short ESSD), Asthawan, Biharshari

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anju Kumari @ Anju Narain, Advocate
For the Respondent/s : Mr. Sanjay Kumar Giri, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 13-10-2023

1. The present writ petition has been filed seeking quashing of the order dated 27.02.2015, passed by the General Manager (H. R. & Admn.), South Bihar Power Distribution Company Ltd.,



Patna to the extent the services of the petitioner have been terminated on the ground of unauthorised absence as also his services have been found to be unsatisfactory during the probation period.

2. The brief facts of the case, according to the petitioner, are that the petitioner had applied for being appointed as a Junior Electrical Engineer, pursuant to an Employment Notice No.03/2013 having been issued by the respondents, whereupon he was selected and an appointment letter dated 18.02.2014 was issued to the petitioner and then the petitioner had joined at Electrical Supply Sub-Division, Asthawan on 22.02.2014. It is further submitted that unfortunately, on 01.04.2014, the petitioner fell ill and it transpired thereafter, that he was suffering from tuberculosis, hence he was advised rest, initially for three months and then again for further three months. It is also submitted that without waiting for the petitioner to join his duties after getting well, the impugned order dated 27.02.2015



was passed illegally, hence it is prayed that the same be quashed.

3. The learned counsel for the petitioner has further submitted that the impugned order has been passed without giving any opportunity of hearing to the petitioner, hence the same is bad in the eyes of law.

4. *Per contra*, the learned counsel for the respondent has referred to the counter affidavit filed in the present case to submit that the petitioner had joined as Junior Electrical Engineer Grade-II with the respondent Company on 21.02.2014 and was posted at Electrical Supply Sub-Division, Asthawan, where he had submitted his joining on 22.02.2014. It is also submitted that the petitioner became unauthorisedly absent from his place of posting, without any information/permission with effect from 28.03.2014, whereupon the Electrical Executive Engineer, Electric Supply Division, Bihar Sharif, vide letter dated 19.05.2014, informed his superiors about the unauthorised absence of the petitioner from his



duties with effect from 28.03.2014. It is also submitted that the Electrical Executive Engineer, Electric Supply Division, Bihar Sharif used to be informed by the petitioner that he would resign from the services of the Company. The Electrical Executive Engineer, Electric Supply Division, Bihar Sharif, vide letter dated 16.08.2014, had also issued a show-cause notice to the petitioner regarding his unauthorised absence, however, the petitioner did not reply to the same. In fact, the petitioner had also failed to execute the security bond of a sum of Rs.50,000/- against his employment, as was mandatorily required, as per the terms and conditions of appointment.

5. In such view of the matter, the case of the petitioner was considered taking into account Clause 16.2 of the Recruitment Rules, which stipulates that in case, in the opinion of the Company, the services of an employee, appointed on probation, are not found to be satisfactory during the period of probation, the Company can dispense with his services, and upon review, it was



found that the services of the petitioner were thoroughly unsatisfactory inasmuch as he had been on unauthorized absence with effect from 28.03.2014, till the passing of the impugned order dated 27.02.2015, hence the respondent-Company, vide the impugned order dated 27.02.2015, has terminated the services of the petitioner. Thus, it is submitted that there is no lacuna in the action taken by the respondent-Company.

6. I have heard the learned counsel for the parties and perused the materials on record, from which it is apparent that the Company has complied with the principles of natural justice, before terminating the services of the petitioner, apart from the fact that the petitioner was unauthorizedly absent with effect from 28.03.2014 till the date of passing of the order of termination and had failed to respond to the show-cause notice dated 16.08.2014 as also upon review, his services have been found to be unsatisfactory during the probation period, thus taking into account Clause



16.2 of the Recruitment Rules of the respondent-Company, the services of the petitioner have rightly been dispensed with.

7. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, this Court finds that there is no infirmity in the impugned order dated 27.02.2015, passed by the respondent-Company, hence the present writ petition stands dismissed, being bereft of any merit.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2023
Transmission Date	NA

