

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12743 of 2015

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Kapildeo Prasad son of Late Bisheshwar Prasad, resident of village and Post Office Sonsa, P.S.- Rahui, District Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar through its Commissioner-cum-Secretary to Government Minor Water Resources, Department, New Secretariat Building, Bailey Road, Patna-800001.
2. The Joint Secretary to the Government, Minor Water Resources Department, New Secretariat Building, Bailey Road, Patna-800001.
3. The Under Secretary to Government, Minor Water Resources Department, New Secretariat Building, Bailey Road, Patna-800001.
4. The Superintending Engineer, Nalkoop Circle, Gaya, District- Gaya
5. The Executive Engineer, Nalkoop Division, Biharsharif, District- Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lalan Kumar Singh, Advocate
For the Respondent/s : Mr.Avinash Kumar,

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 31-08-2023

1. The present writ petition has been filed seeking the following relief:-

“That by this writ application, the petitioner challenges disputes, the legality and validity of the order contained in 3485 dated 10.7.2014, passed by the under Secretary to the Government, Minor Water Resources Department, Bihar, Patna in compliance of the order of the Hon'ble Patna High Court dated 28.3.2014, whereby and whereunder the payment of salary between 19.7.2011 to 31.12.2012 has been denied on the principle of "No work No pay", which is wholly illegal, arbitrary,



mala fide, malice and contrary to the admitted facts, the petitioner prays for issuance of an appropriate writ in the nature of writ of certiorari to quash the said impugned order and the petitioner further prays to consider and make payment of salary from 19.7.2011 to 31.12.2012.”

2. At the outset, the learned counsel for the petitioner has submitted that the office order dated 27.09.2014, passed by the Executive Engineer, Nalkup Division, Bihar is a non-speaking and an unreasoned order, hence, is required to be quashed.

3. Learned counsel for the respondent-State has not disputed the fact that the aforesaid order dated 27.09.2014 is not a speaking and a reasoned order.

4. This Court finds that furnishing of cogent, clear and succinct reason in support of an order is an indispensable component of a decision making process, however, as far as the impugned order dated 27.09.2014 is concerned, the same does not furnish any reason whatsoever for coming to a conclusion that the petitioner is not entitled for payment of salary for the period from 19.07.2011 to 31.12.2012, hence the same stands vitiated in the eyes of law, thus, is quashed.

5. This Court further deems it fit and proper to grant



liberty to the petitioner to approach the Joint Secretary to the Government, Minor Water Resources Department, Government of Bihar, i.e. the respondent no.2 by filing appropriate representation and in case appropriate representation is filed by the petitioner for redressal of his subsisting grievances, within a period of four weeks from today, the same shall be considered by the respondent no.2, in accordance with law and disposed off by a reasoned and a speaking order, within a period of six weeks, thereafter.

6. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2023
Transmission Date	NA

