

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1171 of 2018

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Pramod Kumar, Son of Late Ramashish Singh, Resident of Village- Singhthia,
P.O.- Sahiya, P.S. Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Water Resources Department, Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Director Land Acquisition Officer and Rehabilitation and Human Resources Department Bihar, Patna
4. The Special Land Acquisition Officer Madhayam Irrigation Project, Bhagalpur.
5. The Joint Secretary cum Director, Land Acquisition Officer and Rehabilitation Bihar, Patna.
6. The Enquiry Officer-cum-Speed Officer Land Acquisition, Sone Project, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh
For the Respondent/s : Mr. Harish Kumar- GP8

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 16-01-2023 This writ petition has been filed for following reliefs:

(a) For quashing of an order dated 27.06.2017 passed by Deputy Secretary-cum-Director Land Acquisition and Rehabilitation, Bihar, Patna, by which petitioner has been removed from his service and aforesaid order has been communicated to the petitioner vide memo No. 313 dated 28.06.2017 issued by Special Land Acquisition Officer, Madhyam Irrigation Project, Bhagalpur.

(b) To quash the entire department proceeding i.e.,



memo No. 1888 dated 18.11.2016 and enquiry report submitted by enquiry officer.

(c) For a direction to the respondent authority to reinstate to the petitioner in service and thereafter pay his dues, salary and consequential benefit for which he is entitled in accordance with law.

In short, prayer made on behalf of the petitioner is that copy of enquiry report has been served to the petitioner after imposition of order of dismissal and as such, on this ground alone, the order of punishment is fit to be set aside. As non-service of enquiry report caused prejudice to the petitioner and he could not file proper and effective reply to the second show-cause notice.

Learned counsel for the State is unable to controvert the aforesaid contention made on behalf of the petitioner.

In the aforesaid facts and circumstances, the impugned orders dated 27.06.2017 (Annexure-9) and 28.06.2017 (Annexure-10) are quashed and set aside. The matter is remitted for its conclusion, in accordance with law, from the stage of second enquiry.

Since it is an old matter, the respondents are directed to conclude the proceeding within a period of three months from



the date of receipt/production of copy of this order.

This writ petition stands allowed.

(Prabhat Kumar Singh, J)

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