

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8314 of 2023

Masood Hasan Arif Ansari Son of Late Md. Jan, Resident of Village-
Nabiganj, Chapra, P.S.- Bhagwan Bazar, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Director, Municipal Administration-cum-Deputy Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Saran Division, Saran.
5. The District Magistrate, Saran.
6. The Municipal Commissioner, Nagar Nigam, Chapra.
7. The Deputy Municipal Commissioner, Nagar Nigam Chapra-cum- Enquiry Officer.
8. The In-Chief Accountant, Chapra Nagar Nigam-cum- Presenting Officer.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Narsingh Tanti, Adv
For the Respondent/s : Mr.Abbas Haider (SC6)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-12-2023 1. The present writ petition has been filed seeking the
following relief(s):-

*“1. That this writ application is directed for
issuance of an appropriate writ in the nature of certiorari
for quashing the impugned order of penalty issued vide
Memo No. 463 dated 21.02.2022(contained in Annexure-
6) issued by under the signature of Respondent No.6,
whereby and whereunder in a departmental proceeding
without serving copy of second show cause with enquiry
report directly in hurry imposed the penalty upon the
petitioner for deduction of 60% pension life time and for
disobedience of the order of the Municipal Commissioner;*



Chapra Nagar Nigam, the petitioner remained absent from duty from 20.02.2021 to 31.01.2022 and application for leave for the said period was rejected and order was passed that salary from 20.02.2021 to 31.01.2022 total period 346 days will be not payable under the principle of No work No pay and further for issuance of an appropriate writ in the nature of Mandamus commanding the responsible respondents to pay the entire consequential benefits for which the petitioner is found entitled to.”

2. At the outset, the learned counsel appearing for the respondents/State has submitted that the Additional Secretary Urban Development and Housing Department vide a letter dated 13.07.2023 has directed the Municipal Commissioner, Nagar Nigam, Chapra, to reconsider the punishment inflicted upon the petitioner, while referring to the appeal filed by the petitioner before the State Government.

3. In the view of aforesaid stand of the respondent State, the learned counsel appearing for the Municipal Commissioner, Nagar Nigam, Chapra, submits that since the State Government has already directed the Municipal Commissioner, Nagar Nigam, Chapra, to reconsider the punishment inflicted upon the petitioner, the same would definitely be reconsidered within a period of four weeks from today. It is directed accordingly.

4. Accordingly, the present writ petition stands



disposed off, however, with liberty to the petitioner to invoke the writ jurisdiction of this Court in case any adverse order is passed against him as also to assail the impugned order of punishment dated 22.01.2022, passed by the Municipal Commissioner, Nagar Nigam, Chapra, and such other orders, as are to the determent of the petitioner.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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