

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10207 of 2023

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Dilip Kumar Sajjan, Son of Bindeshwari Sharma, Resident of Ward No. -2,
Morwa Rai Tol, Morwa, P.s.-Tajpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Zila Parishad Samastipur through the D.D.C.-cum-Chief Executive Officer, Samastipur.
4. The D.D.C.-cum-Chief Execution Officer, Zila Parishad, Samastipur.
5. The Zonal Head, Punjab National Bank, Zonal Office, R. Block, 2nd Floor, Near Chanakya Hotel, Veer Chand Patel Path, Patna.
6. The Manager, Punjab National Bank, Samastipur Branch, Near D.R.M. Office, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Parasmani, Advocate
For the State	:	Mrs.Archana Meenakshee (Gp 6)
For respondent nos.3 & 4 :		Mr. Pramod Kumar Singh, Advocate
For respondent nos.5 & 6 :		Mr. Suryakant Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 26-09-2023

Heard Mr. Sanjay Parasmani, learned counsel
appearing on behalf of the petitioner; Mrs. Archana Meenakshee
learned GP 6 for the State; Mr. Pramod Kumar Singh, learned
counsel for respondent nos.3 and 4 and Mr. Suryakant Kumar,
learned counsel for respondent nos.5 and 6.

2. Learned counsel appearing for the petitioner is
aggrieved by the order contained in memo no. 380 dated
18.08.2023. The order has been passed without giving



opportunity of hearing to the petitioner. The effect of the order is that a sum of Rs.25,12,933/- has been found according to the Chief Executive Officer, Zila Parishad, Samastipur. As the consequence of the order is penal in nature, the basic requirement which was required to be followed by a quasi judicial authority at least to provide minimum opportunity of hearing to the petitioner or the affected person.

3. This Court finds that the order dated 18.08.2023 has been passed at the whims of the Executive Officer which is undesirable. The Executive Officer is advised to educate himself with respect to the procedure which was required to be followed while adjudicating on the post of quasi judicial for which he has been vested. The Apex Court in the cases of **Kranti Associate (P) Ltd. vs. Masood Ahmed Khan, reported in (2010)9 SCC, 496** and **State of NCT of Delhi and another v. Sanjeev @ Bitoo reported in (2005) 5 SCC 181** have elaborately considered as to how the judicial, quasi judicial and other orders should be passed. As such, the order dated 18.08.2023 cannot sustain even for a moment and accordingly the same is quashed. The Executive Officer is directed to take steps to make payment of pensionary benefit in accordance with law after giving due opportunity of hearing to the petitioner



within a period of four weeks from the date of communication of this order. The entitlement of the payment of provident fund and interest incurred thereupon to which the petitioner is entitled is required to be paid even before passing of the order within the aforesaid period.

4. Accordingly, the writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.09.2023
Transmission Date	NA

