

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1536 of 2016

Shankar Deo Jha Son of late Bishnu Deo Jha Resident of Village- Sukhsena,
P.O Bhatotar chakla, P.S Barhara Kathi, District Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Managing Director, North Bihar Power Distribution Company Limited Patna.
3. The Electrical Superintending Engineer, Electric Circle, Samastipur.
4. The Electrical Superintending Engineer, Electric Supply Division, Samastipur.
5. The Assistant Electrical Engineer, Electric Supply sub Division, Samastipur Arban Samastipur.
6. The Senior Manager Audit North Bihar Power Distribution Company Limited Patna.
7. Assistant Electrical Engineer Central Store Chapra .
8. The Deputy General Manager, North Bihar Power Distribution Company Limited Mithila Area, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amarnath Jha, Adv.
For the State	:	Mr. Jai Prabhat Kishore, AC to SC-13
For the Respondents	:	Mr. Dharmeshwar Mishra, Adv. Mr. Indrajeet Bhushan, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-10-2023 The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of an appropriate writ for setting aside the letter vie Gyapank 2409 Samastipur dated 4.11.2015 issued under the signature of the Electric Executive Engineer Electric Supply Division, Samastipur whereby and whereunder the petitioner has been directed to



deposit the amount of Rs.399177/- with the account of the Company otherwise step will be taken against the petitioner for lodging F.I.R. and disciplinary action.

(ii). For direction upon the respondents not to take any follow up action against the petitioner as he is completely innocent.

(iii). For stay of operation of the letter dated 4.11.15 aforesaid vide Gypank 2409 Samastipur issued under the signature of the Electric Executive Engineer Electric Supply Division Samastipur till the disposal of the present writ application.”

2. The learned counsel appearing for the Respondent-Company has admitted that no show cause has been issued to the petitioner, prior to passing of the impugned order of recovery dated 4.11.2015, hence, it is submitted that in case this Court deems it fit and proper to quash the same, the principles of natural justice would be complied with, before passing any adverse order qua the petitioner herein.

3. Having regard to the fair stand taken by the learned counsel appearing for the Respondent-Company, I deem it fit and proper to quash the impugned order dated 4.11.2015, however, grant liberty to the Respondent-Company to proceed further in accordance with law, in case the law so permits.



4. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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