

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4899 of 2020

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Aditya Rajhans S/o- Late Dashrath Rajhans R/o- Flat No. 402 Gayatri Apartment, Near DIG Kothi, Surya Narayan Singh Road, Bari Khanjarpur, P.S.- Barari, Town and District- Bhagalpur, Presently posted as Assistant Labour Commissioner, Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum- Additional Chief Secretary, Department of Labour Resources, Govt. of Bihar, Patna.
2. The Labour Commissioner, Department of Labour Resources, Govt. of Bihar, Patna.
3. The Joint Secretary, Department of Labour Resources, Govt. of Bihar, Patna.
4. The Deputy Labour Commissioner, Bhagalpur Division, Bhagalpur.
5. The Deputy Labour Commissioner, Munger Division, Begusarai.
6. The Enquiry Officer-cum- Additional Secretary, Department of Labour Resources, Govt. of Bihar, Patna.
7. The Presenting Officer-cum- Under Secretary (Labour), Department of Labour Resources, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Jha, Adv.
For the State	:	Ms. Anuradha Singh (SC-21)
		Mr. Rakesh Prabhat (AC to SC-21)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-05-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed with the following reliefs:-

I. To hold and declare that Memo of Charge (Prapatra-Ka) dated 11.01.2016 (Annexure-2) annexed with the Resolution of the Government of Bihar as contained in Memo No.797 dated 11.03.2016 (Annexure-1) was not drawn/approved



by the Competent Authority/Disciplinary Authority.

II. To hold and declare that Memo of Charge (Prapatra-Ka) dated 11.01.2016 (Annexure-2) as served to the petitioner was without following the due process of law & without any evidence in support of the charges.

III. To hold and declare that Enquiry Report as contained in Letter No.41 dated 09.11.2017 (Annexure-15) was submitted without conducting any enquiry.

IV. To set aside the order as contained in Memo No.1392 dated 18.06.2019 (annexed as Annexure-20).

3. Learned counsel for the petitioner submits that there is a gross violation of Bihar Government Servant (Classification, Control & Appeal) Rules, 2005 as well as the letter No.15548 dated 06.12.2017 issued by the Principal Secretary to the Government and therefore, the entire proceeding may be quashed.

4. Learned counsel for the State raised preliminary objection and submits that from the pleading, it transpires that the appeal of the petitioner is pending before the Appellate Authority since 2018. Counsel further submits till date, no final order has come. Counsel submits that as per the Annexure-22, the memo of appeal is pending before the Principal Secretary-



cum-Disciplinary Authority who is respondent no.1.

5. In this background, this Court hereby directs The State of Bihar through the Principal Secretary-cum- Additional Chief Secretary, Department of Labour Resources, Govt. of Bihar, Patna (respondent no.1) to pass a reasoned and speaking order on all the points raised by the petitioner before him by way of supplementary memo of appeal within 30 days from today and he shall pass a reasoned and speaking order considering all those points within 90 days from the date of production of the order along with the supplementary appeal.

6. Since the general elections of Lok Sabha, 2024 is going on, the counting of the said 90 days shall be started from the date of end of general elections of Lok Sabha, 2024.

7. Accordingly, with the aforesaid directions, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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