

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22231 of 2014

Navin Kumar, son of Late Pandey Pradeep Narayan, Resident of Mohalla- Jay Prakash Nagar, Ward No. 21, P.S.- Khagaria, District- Khagaria.

... .. Petitioner.

Versus

1. The State of Bihar through the Principal Secretary of Urban Development & Rehabilitation Department, Bihar, Patna.
2. The District Magistrate-cum-Collector, Khagaria.
3. The Chairman, Municipal Council Board, Khagaria.
4. The Executive officer, Municipal Council, Khagaria.
5. The Sub-Divisional Officer, Khagaria.

... .. Respondents.

Appearance :

For the Petitioner : Mr. Sanjeev Kumar Jha, Advocate.
For the State : Mr. Satya Deo Kumar, SC-5.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 13-12-2024

In the instant writ petition, the petitioner has prayed
for the following relief(s):

“That, the present application is being filed for
issuance of a writ in the nature of ‘Certiorari
or any other appropriate writ/writs, direction/
directions, order/ orders commanding the
respondent authorities for following relief/
reliefs as:-

- (i) For setting aside the order of
11/12/2013 passed by the respondent
no.4 vide memo No.-2987 of
11/12/2013 whereby the service of
petitioner was terminated and also
debarring him from taking the other



benefit of his service period for which he is entitled as per service code.

- (ii) For issuance of direction to the respondent to reinstate the service of petitioner in his original cadre as soon as possible and provide all such benefits for which he is entitled to.”

2. The petitioner was stated to have been appointed as a Peon/Class-IV employee in the Municipal Council, Khagaria, in the year 1978. He was sent on deputation Sub-Division Office, Khagaria, on 08.11.1999. It is learnt that he has not reported for duty in the Sub-Division Office, Khagaria. Thereafter, his services were stated to have been repatriated to Municipal Council, Khagaria on 18.12.1999. Thereafter also, petitioner failed to join service in the Municipal Council, Khagaria. These are all the statements made by the respondents-State in the absence of any material evidence. Further, respondents’ counsel admitted that no departmental inquiry has been initiated like issuance of charge memo, for disobeying the orders of the Municipal Council insofar as deputation to Sub-Division Office, Khagaria and repatriation and further remaining absence to duty. On the other hand, merely issuing a show cause notice and proceeded to terminate



the services of the petitioner on 11.12.2013. Hence, the present writ petition insofar as challenging the termination order dated 11.12.2013.

3. Petitioner is a permanent employee of Municipal Council, Khagaria, in the light of the fact that he was appointed as a Peon/Class-IV employee in the year 1978. Therefore, one has to draw inference that he is permanent employee of Municipal Council, Khagaria. If he has committed any misdeeds or disobeyed the orders of Municipal Council, Khagaria in that event it was bounden duty of the Municipal Council, Khagaria, to initiate departmental inquiry and proceed in accordance with law after framing of the charge, statement of imputation, list of documents and list of witnesses. The same has not been adhered to. On the other hand, merely, issuing a show cause notice and proceeded to impose penalty of termination. Therefore, it is a clear case of violation of relevant regulation insofar as not adhering to the disciplinary regulation before terminating the service of the petitioner. Accordingly, the petitioner has made out a case so as to interfere with the impugned termination order dated 11.12.2013 and it is set aside.

4. The concerned respondent is hereby directed to settle all the service and monetary benefits to the petitioner from



the date of termination till attaining the age of superannuation. If he is entitled to any increment, the same shall be extended while re-fixing his pay from time to time. The above exercise shall be completed within a period of four months from the date of receipt of this order. Arrears amount shall also be disbursed within the aforementioned period of time.

5. The instant writ petition stands allowed.

(P. B. Bajanthri, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2024.
Transmission Date	NA

