

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1219 of 2023

In
Civil Writ Jurisdiction Case No.10801 of 2022

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Pankaj Kumar Dhandhaniya Son of Late Bhawani Shankar Dhandhaniya
Resident of Bengali Tola, Ward No. District 25, P.S. Town, Samastipur,
Proprietor of M/S Shree Bhawani Steels, Bengali Tola, Samastipur.

... .. Petitioner/s

Versus

1. The Union of India Through the Chairman of Department of Railways, Rail Bhawan, Raisina Road, Connaught Place, New Delhi 110001 namely Anil Kumar Lahoti, Son of not known to the Petitioner.
2. Gaurav Kumar Singh Son of not known to the Petitioner The Senior Divisional Material Manager, Eastern Central Railway SPJ Samastipur.
3. Alok Agrawal Son of not known to the Petitioner, The Divisional Railway Manager, Eastern Central Railway SPJ Samastipur.
4. Anupam Sharma Son of not known to the Petitioner The General Manager, Eastern Central Railway Hajipur.
5. D.K. Srivastav Son of not known to the Petitioner The Principal Chief Material Manager, Eastern Central Railway, Hajipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Additional Solicitor General

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 22-02-2024 The present MJC has been filed for non compliance of

order dated 11.08.2022 passed in CWJC 10801 of 2022. The

extract of the order dated 11.08.2022 reads as under.

*“The order which adversely
effects the petitioner’s right, in as
much as the amount of security
stands forfeited, is not only
cryptic in nature; does not assign
any reason; and passed without*



affording opportunity of hearing, entails civil consequences.

As such, on this short ground alone, we quash and set aside the impugned order as contained in number

72/cancellation/22023/72125112

1 dated 4th of May, 2022,

72/cancellation/22-23/721261121

dated 25.05.2022.

72/cancellation/22-23/721291121

dated 24.05.2022,

72/cancellation/22-23/721221121

dated 24.05.2022 and

72/cancellation/22-23/721371221

dated 24.05.2022 with the direction to the respondents to pass a fresh order after complying with the principles of natural justice. Needful be done at the earliest. Liberty also reserved to the petitioner to assail the same, should the need to arise subsequently.

Interlocutory Application(s), if any, shall stand disposed of.”

2. Pursuant to the aforementioned order stated to be speaking order has been passed on 09.11.2022 which is furnished along with the present MJC and marked as Annexure 2 series, reading of Annexure 2 series dated 09.01.2022 there is no iota of evidence to the extent that petitioner was issued show cause notice before passing a speaking order. In other words, it is a clear case of violation of principle of natural justice. Despite observation made by the co-ordinate bench in the order dated



11.08.2022 passed in CWJC 10801 of 2022, the concerned officer has failed to follow the Principle of Natural Justice. Therefore, respondents are liable to pay cost of Rs. 5,000/- to the petitioner. The concerned respondent is hereby directed to issue a notice in respect of cancellation of Lot No. 721221121, E-auction dated 02.12.2021 for MT Scrap CI Locomotive Brake shoe and forfeiting of deposited sale value amount. Such detailed show cause notice shall be issued to the petitioner within a period of one month from today. On receipt of such show cause notice to be issued to the petitioner, petitioner shall submit detailed explanation within one month and thereafter the concerned official respondent is hereby directed to pass a fresh speaking order after due consideration of show cause notice read with the petitioner's explanation. The concerned authority is directed to take note of each and every contention in the explanation or reply to the show cause notice and proceed to pass speaking order and communicate the same to the petitioner within a period of one month from the date of receipt of petitioner's explanation/ reply to the show cause notice.

3. Accordingly, the present MJC No. 1219 of 2023 stands dropped reserving liberty to the petitioner to file interlocutory application in the event of noncompliance of the



aforementioned order.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

asmit/-

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