

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7281 of 2024**

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M/s. Chaitanya Projects Consultancy Pvt. Ltd. having office at C-5, 2nd Floor, RK Tower, Plot No. 21-22, Vaishali Sector 4, Ghaziabad - 201010, Through its Authorized Signatory Manish Kumar Dutta.

... .. Petitioner/s

Versus

The Union of India Ministry of Railways, Through, CAO-C\_South - HQ - Engineering, Chief Administration Officer, East Central Railway, Mahendrughat, Patna- 800004.

... .. Respondent/s

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**Appearance :**

|                      |   |                                                                                                                          |
|----------------------|---|--------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Rajiv Ranjan Raj, Advocate<br>Mr.Sriram Krishna, Advocate<br>Mr. Abhijeet Gautam, Advocate<br>Mr. Amarjeet, Advocate |
| For the Respondent/s | : | Mr. Alok Kumar CGC                                                                                                       |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 09-05-2024**

The petitioner is aggrieved with the order passed at Annexure-P/50 despite a clear direction from this Court regarding the *de novo* proceedings to be carried out with respect to the termination of the contract of the petitioner.



We notice, at the earlier instance, the termination was challenged before this Court and by Annexure-P/45 judgment dated 01.11.2023 passed in CWJC No. 14200 of 2023, it was held so:-

*“The concerned authority shall issue a detailed show cause notice seeking petitioner’s explanation and on receipt of petitioner’s explanation, the concerned authority shall pass detailed speaking order after due consideration of each of the contentions to be raised by the petitioner against the proposed show cause notice for termination of contract and proceed to pass speaking order and communicate the same to the petitioner.”*

2. A show cause notice is said to have been issued without any reasons for the termination and specifically indicating that the contract was terminated w.e.f., from 31.12.2022, which show cause notice itself is dated 04.03.2024. The same was sent by *Email* as is evident from Annexure-P/48 at 4:49 pm on 04.03.2024 and on the very next day Annexure-P/50 order was passed. We see that it has a heading of ‘speaking order’ but without any reasoning. A speaking order should have the reasons for termination and a mere heading will not be due compliance of the directions of this Court.

3. We hence set aside Annexure-P/50 and direct for



issuance of a proper show cause notice to the petitioner specifically indicating the reasons for termination and after providing a proper opportunity for filing an objection and personal hearing, if sought for pass a fresh order.

4. Learned Counsel for the petitioner also submits that as of now the contract cannot be proceeded with since the respondents do not have the authority to proceed with the same. The prayer is that the contract may be foreclosed and the payments due till now may be released. These are all matters which could be placed before the appropriate authority when a show cause notice is issued.

5. Considering the fact that there are two rounds of litigation, we make it clear that a show cause notice should be issued within three weeks from today, failing which the petitioner would be entitled to make a representation for payment of the dues, which shall be considered; again by a speaking order.

6. We make it clear that we have made no observation on the merits as to the entitlement of the petitioner which will be considered by the appropriate authority.



7. With the above liberty reserved to both parties the writ petition stands allowed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

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| CAV DATE          | NA   |
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| Transmission Date | NA   |

