

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7774 of 2018

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Mohan Kumar Son of Sri Nageshwar Rajak, Resident of Village P.O.-Phulout,
P.S.-Chousa, District-Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Planning and Development,
Government of Bihar,
3. The Commissioner, Koshi Division, Saharsa.
4. The Secretary to the Commissioner Koshi Division, Saharsa.
5. The District Magistrate, Saharsa.
6. The Regional Planning Officer, Kosi Division, Saharsa.
7. The Regional Planning Officer, Purnea Division, Purnea.
8. The Bihar State Electronics Development Corporation, Bihar through
Manager Administration Beltron
9. The Manager Administration Bihar State Electronics Development
Corporation, Bihar beltron Bhawan,

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ram Chandra Prasad Bharti, Adv.
For the Respondent/s	:	Mr.Saroj Kumar, AC to GP7
For the Beltron	:	Mr.Girijesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-04-2024 Heard learned counsel for the petitioner and learned
counsel for the State and counsel for the Beltron.

2. The present writ petition has been filed for
quashing the order of the Regional Planning Officer, Purnea
Division, Purnea-cum-Koshi Division, Saharsa communicated
to the petitioner vide letter No.14 dated 25.01.2018 (Annexure-
16).

3. Counsel for the petitioner submits that the



petitioner was appointed by Manager (Adm.) Bihar State Electronics Development Corporation Limited, Bihar, Patna vide his order contained in memo No. MP1461/10 dated 07.04.2010 on the post of Data Operator in the office of the Regional Planning Officer, Kosi Division, Saharsa on the contract basis.

4. Counsel further submits that the petitioner has joined the service on 08.04.2010 in the office of the Regional Planning Officer, Kosi Division, Saharsa and his service was extended time to time on the basis of his efficiency in the work. He further submits that the Regional Planning Officer has issued a experience certificate to the petitioner on 15.07.2015 which is Annexure-2 of the petition.

5. Counsel submits that the additional charge of the work has also handed over to the petitioner vide office order dated 08.09.2016. He submits that the petitioner was posted on deputation for the work of computer related work vide office order dated 03.12.2016 issued by Secretary to the Commissioner, Kosi Division, Saharsa in the office of Computer Section of the office of the Commissioner. In compliance of the aforesaid order, he joined the office of Commissioner on 05.12.2016. On the same day of joining, the petitioner has send



a request letter to the Secretary of the Commissioner intimating that no employee will remain in the office of the regional planning officer Saharsa for the work which is being discharged by the petitioner. A request was also send by the Regional Planning Officer, Saharsa dated 06.12.2016 sending the request to the Secretary of the Commissioner to this effect which is Annexure-7 to this petition. It is stated that vide office order dated 11.01.2017, the petitioner was deputed in the confidential section of the office of the Commissioner till further order.

6. Counsel further submits that vide letter dated 12.01.2017, the petitioner has requested to the Special Work Officer, Commissioner's office for allowing him to visit in the office of the regional planning officer for giving charge and also for writing the cash book. But in the lack of any order to leave office, the petitioner could not hand over the charge to the person concerned in the Commissioner's office, Kosi Division.

7. In this background, a show cause notice dated 20.01.2017 has been issued and the petitioner respond on the said show-cause on the same day, but again vide letter dated 18.09.2017, a show cause notice has been issued as to why the office order contained in Memo no. 58/Gen, dated 11.01.2017 has not been complied till date. In this background, the



petitioner has again submitted his reply in compliance of the show cause notice dated 18.09.2017.

8. Counsel further submits that the petitioner was became victim of the accident taken place on 06.10.2017 and since there was a fracture in his left leg, he applied for the leave on 10.10.2017. He submits that the petitioner was asked to hand over the charge to one Suman Kr. Das, but vide letter no. 14 dated 25.01.2018 issued under the signature Regional Planning Officer, of the Purnea Division, Purnea Cum Kosi Division, Saharsa, the petitioner was removed from the service with retrospective dated 16.12.2017 without consideration of the reply of the petitioner to the show cause notice which is not permissible in eye of law. Thereafter, the petitioner has filed the writ petition.

9. Counsel for the State submits that the petitioner is a contractual employee and he has no right under law to challenge the same, particularly when he is a contractual one and not a regular employee. He further submits that there is no grievance left to the petitioner and this writ petition is fit to be dismissed.

10. In the light of the submissions made by the petitioner, it transpires to this Court that the petitioner was working in the service of the respondent though he is a



contractual employee, but he has to be protected in case of violation of natural justice. From the order of removal, it transpires to this Court that violation of Natural Justice took place as in response of every letter, he has filed his reply and made humble request and shown the situations under which he could not comply the said letter on the basis of which he has been removed.

11. It transpires to this Court that Annexure-16 of the writ petition, has been passed in gross violation of natural justice. Therefore, the said letter No. 14 dated 25.01.2018 is hereby set aside. The respondent is directed to accept the petitioner's joining with immediate effect and after granting full opportunity, shall pass order afresh.

12. In the meantime, the petitioner shall be entitled for all his salary which was stopped by the said letter of removal, which has been passed in gross violation of natural justice.

13. With the aforesaid direction, the present writ application is hereby allowed.

(Dr. Anshuman, J.)

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