

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7953 of 2018

=====

Umesh Jha Son of Late Niras Jha, Resident of Village- Telhar, Police Station- Mahisi, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Finance Commissioner, Government of Bihar, Patna.
4. The Special Secretary to the Government, Finance Department, Government of Bihar.
5. The Chief Engineer, Water Resources Department, Purnea.
6. The Chief Engineer, Irrigation Creation, Water Resources Department, Saharsa.
7. The Superintending Engineer, Irrigation Circle, Purnea.
8. The Executive Engineer, Irrigation Division, Murliganj, District- Madhepura.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Jha-3, Adv. Mr. Shambhoo Kr. Suman, Adv.
For the Respondent/s	:	Mr. Vinay Kriti Signh, GA-2

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-04-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ application has been filed for challenging the order contained in Memo No. 200 dated 09.02.2018 by which two M.A.C.P. has been cancelled.

3. Learned counsel for the petitioner submits that the said order has been passed without granting any opportunity of hearing to the petitioner after his retirement, when he was

getting pension and leading his retired life. He further submits that the petitioner has already been retired in the year 2012 and this order has been passed behind his back in the year 2018.

4. In this regard, the petitioner has made specific pleading in paragraph 15 of his writ petition that impugned order has been issued in complete violation of principle of natural justice and on this ground, the impugned order contained in Annexure-1 is fit to be set aside.

5. Learned counsel for the State on the other hand submits that the petitioner has passed departmental accounts examination belatedly on 29.08.2010 only and therefore, such decision has been taken.

6. On the point of granting opportunity of hearing to the petitioner, the pleading of the State is completely silent. As such, this Court on this ground alone directs that the said order contained in Memo No. 200 dated 09.02.2018 shall be inoperative for the petitioner.

7. The petitioner is directed to file representation before respondent no. 6 within 30 days from today and respondent no. 6 is directed to grant opportunity of hearing to the petitioner and then pass any order relating to the petitioner's benefit till passing the final order. The said Memo No. 200 dated

09.02.2018 shall be inoperative, so far as the petitioner is concerned.

8. The authority is directed to pass reasoned and speaking order on the representation of the petitioner within 90 days from the date of receiving of the representation.

9. With this direction, the present writ application stands disposed of.

(Dr. Anshuman, J)

sadique/-

U			
---	--	--	--