

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11329 of 2004

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1. Smt. Bimla Mishra wife of late Devendra Mishra
 2. Sanjay Kr. Mishra son of late Devendra Mishra
 3. Usha Thakur married daughter of late Devendra Mishra
 4. Gautam Kumar Mishra son of late Devendra Mishra
 5. Ajay Kumar Mishra son of late Devendra Mishra
Resident of villae and P.O. Rajeshwari, P.S. Chatapur, District Supaul, at
present residing at Forbisganj, Ward NO.2, neard Cold Store, P.O. Forbisganj,
District Araria

.... Petitioner/s

Versus

1. The Chairman Cum Managing Director, Bihar State good and Civil Supplies Corporation Ltd., Sone Bhawan, Patna
2. The Chief of Claim, Bihar State good and Civil Supplies Corporation Ltd., Sone Bhawan, Patna
3. The Chief of Finance, Bihar State good and Civil Supplies Corporation Ltd., Sone Bhawan, Patna
4. Secretary, Board of Trustee, Bihar State good and Civil Supplies Corporation Ltd., Sone Bhawan, Patna
5. The District Manager, Bihar State good and Civil Supplies Corporation, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha 3
For the Respondent/s : Mr. R. S. Pradhan, Sr Advocate
Mr. S.P.Tripathi

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 16-04-2015

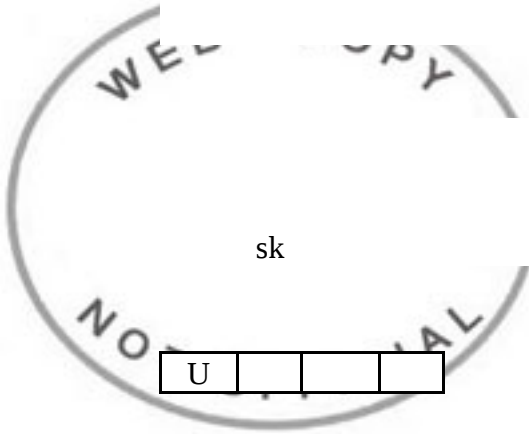
The only issue which requires consideration in the present writ application with regard to punishment order contained in Annexure- 1 is whether the Corporation can claim 18% interest over and above the liability, which was worked out for discrepancy in stocks maintained by the erstwhile employee, who now stands substituted by his legal heirs. The principal amount for the



discrepancy relating to Purnea, Chaibasa, Khagaria added upto Rs.2,32,226.48. Major part of this amount has already been adjusted from salary of the petitioner. To this extent that aspect of the matter does not require interference but raising a sum of Rs.4,10,431.21 on the amount, on imposition of 18% interest over and above the principal amount, is a totally irrational and arbitrary decision of the respondent organization. Keeping in mind that there has been inordinate delay on the part of the Corporation itself in working out the liability of the petitioner which is for a very extended period when he was posted at the three locations, namely, Purnea, Chaibasa and Khagaria, the Court is of the considered opinion that the Corporation cannot enrich itself after failing to act within a reasonable time frame by imposing 18% interest over and above the discrepancy which has already been adjusted from the salary of the erstwhile employee.

The impugned order contained in Annexure- 1 as well as the order passed in the review application of the petitioner contained in Annexure- 9, which are dated 13.5.2014 and 30.6.2014 respectively, are hereby quashed. Writ application is allowed. If any recovery has been made on the basis of the impugned orders over and above Rs. 2,32,226.48, the same will be required to be refunded to the legal heirs. The said amount must be returned to the legal heirs

within a period of three months from the date of production of a copy
of this order.



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(Ajay Kumar Tripathi, J)