

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4242 of 2011

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Ajay Kumar, son of late Dhari Sharma, village and P.O.-Amhara, P.S.-
Bihta, District-Patna.

.... Petitioner/s

Versus

1. Food Corporation of India, through Chairman cum Managing Director,
16-20 Barakhambha Lane, New Delhi.
2. Executive Director (East Zone) Food Corporation of India 10-A,
Middleton Row, Kolkata-71.
3. General Manager (Region) Food Corporation of India Regional Office,
Arunachal Building Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Respondent/s : Mr. Prabhakar Tekriwal

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 22-05-2015

Heard the parties.

The petitioner has filed the present writ petition seeking a direction to the respondents to pay an amount of Rs.14, 88,836.88 towards his alleged admitted contractual dues for working as Mandi Handling Agent at Food Corporation of India, P.P.C. (Paddy Procurement Centre), Dumraon during the year 2008-09.

Learned counsel appearing on behalf of the petitioner submits that, in view of the terms of the contract as contained in Annexure-1, the petitioner performed his job and submitted his bills for payment of contractual dues through In-charge, P.P.C., Dumraon for being forwarded to Area Office Patna of FCI, but without any valid justification the payments have been withheld till date by the respondents.

The matter has been contested by the respondents by filing a counter affidavit. Learned counsel appearing on behalf of the respondents submits that the petitioner did not submit his bills

to the concerned authority as per the terms of the agreement. Therefore, his claims were not considered. However, by referring to the averments made in the counter affidavit, he does not dispute the entitlement of the petitioner for payment of contractual dues.

A supplementary affidavit has been filed on behalf of the petitioner wherein it has been reiterated that the petitioner was appointed as Mandi Handling Contractor for Dumraon Paddy Procurement Centre and after completion of works he submitted his bills to the In-charge of Paddy Procurement Centre of the respondent Food Corporation of India.

After having heard the parties and on consideration of the materials available on record, this Court finds that the claims raised on behalf of the petitioner for payment of contractual dues has not been finally rejected by the competent authority. In fact, no final decision has been taken by the competent authority of the respondent Food Corporation of India.

In above view of the matter, instead of keeping the present matter pending before this Court for deciding the disputed questions of facts, this Court is of the opinion that interest of justice shall be sub-served, if the petitioner is granted liberty to file a comprehensive representation before the Area Manager, Food Corporation of India, District Office, Patna with all supporting documents, raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner before the Area Manager, Food Corporation of India, District Office, Patna within a period of four weeks from today with a certified copy of the present order, then the aforesaid Area Manager either himself or any other competent

authority of the respondent Food Corporation of India shall be obliged to consider and decide the claims raised on behalf of the petitioner strictly in accordance with law by a reasoned and speaking order at an early date preferably within a period of two months from the date of filing of such comprehensive representation by the petitioner.

If on consideration of the materials, the competent authority of the Food Corporation of India comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then the consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and the same is left to be decided by the competent authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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