

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11041 of 2016

Vivekanand Jha, aged about 41 years, son of Sri Ram Sagar Jha, resident of village Gowpur, P.O. Bhagwatpur, P.S. Sarai Ranjan, District- Samastipur

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Ltd., Khadh Bhawan, Daroga Rai Path, R.Block, Road No.2, Patna-1, through its Managing Director
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Ltd., Khadh Bhawan, Daroga Rai Path, R.Block, Road No.2, Patna-1,
3. The Deputy Chief Transport Corporation Headquarters, Bihar State Food & Civil Supplies Corporation Ltd., Patna
4. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Samastipur

.... Respondent/s

with

Miscellaneous Jurisdiction Case No. 2822 of 2016

IN

Civil Writ Jurisdiction Case No. 11041 of 2016

Vivekanand Jha, aged about 41 years, son of Sri Ram Sagar Jha, resident of village Gowpur, P.O. Bhagwatpur, P.S. Sarai Ranjan, District- Samastipur

.... Petitioner/s

Versus

1. Ganga Kumar, age not known, the Managing Director, Bihar State Food & Civil Supplies Corporation Ltd., Khadh Bhawan, Daroga Rai Path, R.Block, Road No.2, P.S. Sachiwalaya, District-Patna
2. Santosh Kumar Singh, age not known, District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Ward No. 12, Kashipur, P.S.-Samastipur, District-Samastipur

.... Opp.Parties

Appearance :

(In CWJC No.11041 of 2016)

For the Petitioner/s : Mr. Anil Kumar Sinha, Advocate
Mr. Ankit Katriar, Advocate

For the Respondent/s : Mr. Aditya Prakash Sahay, Advocate

(In MJC No.2822 of 2016)

For the Petitioner/s : Mr. Anil Kumar Sinha

For the Respondent/s : Mr. Aditya Prakash Sahay, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

ORAL JUDGMENT

Date: 06-09-2016

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks quashing of the letter dated 6.7.2016 and office order dated 8.7.2016 by which the transportation contract of the petitioner has been terminated and further the petitioner has been blacklisted for a period of five years as well as the security deposit of Rs. 10 lacs and Bank Guarantee of Rs. 20 lacs have been forfeited.

The grievance of the petitioner is that the petitioner who was duly selected as Transportation-cum-Handling Agent (Main) by the respondent-Corporation for a period of three years along with two other persons for Samastipur on the basis of a notice inviting tender dated 3.2.2016 but thereafter on the basis of an inquiry report of a three-member Committee conducted behind the back of the petitioner and without even serving a copy of the said inquiry report and giving reasonable opportunity to the petitioner to meet the points raised therein, his contract has not only been cancelled but he has also been imposed the aforesaid penalties.

It is also submitted by learned counsel for the petitioner that despite the stay order granted on 28.7.2016, the respondents have not been giving work to the petitioner on an equal basis with the other two Transportation-cum-Handling Agents (Main).

A counter affidavit has been filed on behalf of the respondents but it is not stated therein that the petitioner was either allowed to participate in the enquiry proceedings or that even after the enquiry a copy of the enquiry report was given to him along with an opportunity to meet the allegations and findings in the said enquiry report.

In the above circumstances, there being a clerical violation of the principles of natural justice, the writ application is allowed. The impugned orders dated 6.7.2016 and 8.7.2016 are quashed.

The respondents shall have the liberty to issue a show cause notice to the petitioner along with a copy of the enquiry report, if they intend to rely upon the three-member enquiry report, to enable him to meet the allegations against him and after considering the response of the petitioner, the Managing Director may pass appropriate order in accordance with law.

Until passing of fresh order, the petitioner shall be treated on the same footing as the other Transportation-cum-Handling Agents and the fresh notice inviting tender dated 20.7.2016 shall not be proceeded with in respect of Transportation-cum-Handling Agent (Main) for Samastipur.

The contempt application for deliberate disobedience

of the order dated 28.7.2016 is also disposed of with the observations and directions given above.

(Ramesh Kumar Datta, J)

S.Pandey/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.9.2016
Transmission Date	