

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8795 of 2013

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Abdus Sattar Ansari S/o Late Md. Mansoor Alam, R/o Shaharzan Colony, P.O.-
Mahendru, P.S.- Sultanganj, District- Patna.

.... Petitioner/s

Versus

1. The Bihar State Beverage Corporation Limited through its Managing Director
Vidhut Bhawan, Bailey Road, Patna
2. The Managing Director, Bihar State Beverages Corporation Limited
3. The General Manager (H.R. and Administration), Bihar State Beverages
Corporation Limited
4. The General Manager (Finance), Bihar State Beverages Corporation Limited

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Shahzad Hassan Khan and Chandan Jha, Adv.
For the Respondent/s : Mr. Girijish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-07-2016

Heard learned counsel for the petitioner and learned
counsel for Bihar State Beverages Corporation Limited.

It is not the first time, the petitioner has approached
this Court for the grievance that has been raised in the present
application. Earlier the petitioner had approached this Court in CWJC
No. 2120 of 2012 raising the same grievance that his pay has been
reduced which he is entitled to. As per the claim of the petitioner,
after the superannuation, on contract basis his services was taken on
the post of Accountant in the pay scale of Rs. 5500-9000/- but
later on, he was adjusted to the post of Assistant Accountant in the
pay scale of Rs. 4000-6000/-. Accordingly, his pay was fixed at

Rs. 8,828/-.

This Court had remanded back the matter for fresh consideration.

It appears from the order dated 03.11.2012, the notices were given to the petitioner, but he did not turn up, on that account, the authority passed the order without any assistance from the side of the petitioner.

The counsel for the respondent has pointed out that the petitioner has already received the amount of Rs. 1,88,207/- and the order dated 07.03.2009 by which the appointment of the petitioner has been modified and his pay has been fixed, has never been challenged before this Court. Now the petitioner after a long lapse of time cannot be allowed to raise the grievance which he has mentioned in this petition, but the order passed in CWJC No. 2012 of 2012 there the same issue was raised and the Court remanded back the matter for fresh consideration by the Corporation, in such view of the matter, the plea of not challenging that order has no substance. Accordingly, submission raised by the Corporation is rejected.

It appears that the petitioner had not appeared after the successive notice that led to passing of an ex parte reasoned order.

The petitioner has even given his explanation, as he did not receive the notice in time and as such, he could not present

himself before the authority concerned.

In such view of the matter, the order dated 03/11/2012 (Annexure-1) is set aside and the matter is remanded back to the Managing Director of Bihar State Beverages Corporation Limited for fresh consideration who will give fair opportunity of hearing to the petitioner to explain his stand, will pass the order in accordance with law.

For convenience of the parties, the petitioner is directed to appear before the Managing Director on 8th August 2016 with the detailed representation including a copy of this order.

Accordingly, this petition is allowed.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.07.2016
Transmission Date	