

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1439 of 2014

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Shatrudhan Prasad Singh S/O Sri Ramyad Singh Resident of Village- Bariyarchhak
P.S.- Naygaon Distt.- Saran.

.... Petitioner

Versus

1. The Bihar State Food and Civil Supplies Corporation Ltd. through Its.....
2. The District Manager, Chapra, Bihar State Food and Civil Supplies Corporation Ltd.
3. The In Charge District Manager, Chapra Bihar State Food and Civil Supplies Corporation Ltd.
4. The Food Corporation of India through its General Manager, Arunachal Bhawan, Exhibition Road, Patna – 1.
5. The Central Bureau of Investigation, C.B.I., at Patna Office.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mukesh Kumar No.I, Advocate
For the FCI : Mr. Prabhakar Kumar Tekriwal, Advocate
For the BSFC : Mr. Shailendra Kumar Singh, Advocate
For the CBI : Mr. Sanjay Kumar, SC, CBI

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-02-2016

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

2. The present writ petition has been filed for quashing
the order as contained in memo No. 1741 dated 30.10.2013
issued by the District Manager, Chapra, Bihar State Food & Civil
Supplies Corporation Limited, whereby payment of his
transportation bills of Rs. 1,17,10, 282/- have been stopped till
further order.

3. Interlocutory Application No. 9587 of 2014 has been filed for amending the prayer in para 1 of the writ petition as follows :-

“Direction for payment of Rs. 58,55,141.00 (Fifty Eight Lac Fifty Five Thousand One hundred Forty one only) which was deducted from the bill submitted by the petitioner for the period from September to December, 2013 for the total amount of Rs. 1,13,16,389.00 (One Crore Thirteen Lac Three hundred Eighty nine only)”

4. Having regard to the nature of prayer, the same is permitted. Interlocutory Application No. 9587 of 2014 stands allowed.

5. Learned counsel for the petitioner submits that the transportation bills of the petitioner have been paid only in part and the remaining amount has been withheld in view of pending investigation by the Central Bureau of Investigation (C.B.I.). It is further stated that the investigation by the C.B.I., has since concluded and final form has been submitted in so far as it concerns the petitioner and hence the petitioner is entitled to payment of the remaining amount of his transportation bills.

6. Learned counsel for the respondents however, opposes the writ petition, pointing out that though the petitioner may have been absolved in the C.B.I. investigation, there is sufficient material in the investigation report of the C.B.I. to

indicate that in fact the goods in question were not transported at all and as such the question of payment of the transportation bills of the petitioner did not arise.

7. Be that as it may and having regard to the stand of the parties, this writ petition is disposed of granting liberty to the petitioner to file a fresh representation before the Managing Director of the respondent Bihar State Food & Civil Supplies Corporation . If such a representation is filed within a period of two weeks from today, the Managing Director shall consider and dispose of the same in accordance with law, having regard also to the materials contained in the investigation report of the C.B.I., and after granting opportunity to the petitioner of being heard.

(Vikash Jain, J)

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