

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3913 of 2016

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Awdhesh Singh son of Late Ram Chandra Singh Resident of Village -
Lahsuna, P.S. - Masaurhi, District - Patna. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Cooperative Government of Bihar New Secretariat, Patna.
 2. The Bihar State Ware Housing Corporaiton, 2/B, 1st Floor, Mauryalok Complex, Patna through its Managing Director, Bihar State Ware Housing Corporation, 2/B, 1st Floor, Mauryalok Complex, Patna.
 3. The Managing Director, Bihar State Ware Housing Corporation, 2/B, 1st Floor, Mauryalok Complex, Patna.
 4. The Secretary, Bihar State Ware Housing Corporation, 2/B, 1st Floor, Mauryalok Complex, Patna.
 5. The Divisional Manager, Bihar State Ware Housing Corporation, 2/B, 1st Floor, Mauryalok Complex, Patna.
 6. The Accounts Officer, Bihar State Ware Housing Corporation, 2/B, 1st Floor, Mauryalok Complex, Patna. Respondents
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Appearance :

For the Petitioners : Mr. Sanjeev Kumar Mishra, Advocate
For the Respondents : Mr. Kaushal Kumar Jha, AAG 14
For the Corporation : Mr. Mukund Jee, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 22-04-2016 Heard learned counsel for the petitioner, the State and
the Corporation.

The petitioner seeks quashing of order, dated 28.2.2014, issued by respondent no.3 by which the liability of Rs.5.9crores has been directed to be recovered from him pursuant to departmental proceeding.

The petitioner was initially appointed as Assistant in the year 1979. While he was posted as Center In charge, Bihar Sharif Warehouse during March 2007 to July 2011, he was proceeded for various acts of omission and commission and consequently for embezzlement of food grains leading to institution of Nalanda Laheri Police station Case No. 164 of

2011, dated 28.7.2011. On conclusion of departmental proceeding, the petitioner has been directed to pay the liability of Rs.5.9crores.

The petitioner has assailed the impugned punishment on a number of grounds. He submits that the charges did not contain the copies of relevant documents on which the petitioner replied. Besides this, respondents did not consider the grounds taken by him in his show cause reply.

Mr. Mukund Kumar, learned counsel appearing for the Corporation submits that the petitioner has alternative remedy of appeal under section 25 of the Corporation Act, 1962.

As there is statutory remedy of appeal, this Court without going into the merits of the case, dispose of the writ petition with liberty to the petitioner to take resort to the remedy of appeal. In case, the petitioner files an appeal, the same would be disposed of expeditiously. Petition for condonation of delay in filing the appeal would be considered sympathetically, as the petitioner was pursuing the remedy before this Court.

In order to enable the petitioner to file an appeal, no coercive steps would be taken against him for three weeks.

(Samarendra Pratap Singh, J)

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