

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11144 of 2015

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Purnendu Bhushan Singh, Son of Late Ram Chandra Singh, Resident of Village Rajoura, P.S. - Muffasil, District - Begusarai.

.... Petitioner/s

Versus

1. The Bihar State Food & Civil Supplies Corporation Ltd. through its Chairman, Sone Bhawan, 5th Floor, Birchand Patel Road, Patna - 800001.
2. The Managing Director, the Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Road, Patna - 800001.
3. The Chief Administration, the Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Road Patna - 800001.
4. The Deputy Chief Administration, the Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Road Patna - 800001.
5. The District Manager, the Bihar State Food and Civil Supplies Corporation Ltd., East Champaran, Motihari.
6. The State of Bihar through District Magistrate, East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the BSFC : Mr. Sahilendra Kumar Singh, Advocate
For the Respondent/s : Mr. Jai Shankar Barnwal, GA-5

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 18-04-2016 Heard learned counsel for the petitioner as well as learned counsel appearing for the Bihar State Food and Civil Supplies Corporation Ltd.

The petitioner seeks quashing of the order, dated 10.04.2014, passed by Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. (for short “the Corporation”), by which his representation for revoking his suspension has been

rejected.

It is unfortunate that the petitioner has not mentioned any detail of his appointment in his parent Department. The maximum that this Court could make it out, is that he was sent on deputation as Assistant Godown Manager at Harsidhi Block, Motihari, in the office of the Bihar State Food and Civil Supplies Corporation Ltd..

It appears that the petitioner was suspended on 01.07.2011, by the Corporation, on charge of defalcation of fund. The incident led to institution of an F.I.R. also. The petitioner moved this Court for revocation of his suspension in C.W.J.C. No. 17975 of 2013. The writ application was disposed of on 12.02.2014, with a direction to the Managing Director of the Corporation to dispose of his representation seeking revocation of his suspension. Consequent to the order of this Court, the Managing Director considered the representation of the petitioner and rejected the same vide order, dated 10.04.2014.

Being aggrieved, the petitioner has challenged the impugned order of the Managing Director of the Corporation refusing to revoke his suspension.

Counsel for the Corporation submits that the petitioner had indulged in defalcation of public money and as such, an F.I.R.

was instituted against him. Furthermore, the Corporation has framed charge and has forwarded the same to its parent Department i.e. the Bihar State Co-operative Development Bank for further actions in the matter.

I find that the Managing Director has given cogent reasons for not revoking the suspension as the petitioner was involved in defalcation of public money.

Counsel for the petitioner further submits that the entire amount has been deposited and the parent department is not functional.

In my view a delinquent cannot be kept under suspension indefinitely. The parent department would conclude the proceeding within nine months from the date of receipt of this order. In case the proceeding is not concluded within the aforesaid period, the suspension order would stand automatically rejected. It goes without saying that Petitioner would co-operate in the proceeding.

The other grievance of the petitioner is that he has not been paid his subsistence allowance for the period he served for the Corporation.

Counsel for the Corporation submits that as the petitioner was on deputation, the Corporation was not liable to pay

the subsistence allowance for the period under suspension.

The submission of the learned counsel for the Corporation is not sustainable in law. It is not in dispute that that the Corporation paid the salary to the petitioner till the time he was suspended. It was open for the Corporation to repatriate the service of the petitioner to his parent Department. The Corporation having not done so, it would be liable to pay the subsistence allowance for the period of suspension till the time his service was not repatriated, within a period of three months from the date of receipt of a copy of this order.

With the aforesaid observation, this writ application is disposed of.

(Samarendra Pratap Singh, J)

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