

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9865 of 2009

KAMTA SINHA, SON OF LATE BASUDEO PRASAD, RESIDENT OF DILLU BIGHA, POST OFFICE BARNAUSHA, POLICE STATION SILAW, DISTRICT NALANDA, AT PRESENT WORKING AS DEPUTY MANAGER, STATE FOOD CORPORATION, SASARAM

.... Petitioner

Versus

1. THE STATE OF BIHAR
2. THE SECRETARY, DEPARTMENT OF FOOD, GOVERNMENT OF BIHAR, MAIN SECRETARIAT, PATNA
3. THE BIHAR STATE FOOD AND CIVIL SUPPLIES CORPORATION LIMITED, SONE BHAWAN, VIR CHAND PATEL MARG, PATNA THROUGH ITS MANAGING DIRECTOR
4. THE MANAGING DIRECTOR, THE BIHAR STATE FOOD AND CIVIL SUPPLIES CORPORATION LIMITED, SONE BHAWAN, VIR CHAND PATEL MARG, PATNA THROUGH ITS MANAGING DIRECTOR

.... Respondents

Appearance :

For the Petitioner : Mr.NK Agrawal, Senior Advocate
Mr. Sanjeev Kumar Mishra, Advocate
Mr. Chandan Priyadarshi, Advocate

For the Respondents : Mr. RS Pradhan, Senior Advocate
Mr. Amrendra Narayan Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 30-03-2016

The petitioner seeks quashing of the office order contained in Memo no. 5105 dated 19.6.2009, passed by the Managing Director, Bihar State Food and Civil Supplies (herein after referred to as 'the Corporation').

2. The petitioner was posted as the District manager at Bettiah from 6.2.1999 to 5.1.2001. During this period, there was irregularity in the food distribution amongst red card holders. The petitioner was departmentally proceeded for the aforesaid charge. However, the enquiry officer found the charges partially proved. On the basis of enquiry report, the disciplinary authority inflicted three punishments including bar on future promotion with reduction

of salary to the minimum scale.

3. The petitioner being aggrieved has challenged the departmental proceeding as well as the impugned order of punishment, in this writ petition. He submits that the Disciplinary authority has not given any reasons for disagreeing with the findings of the enquiry officer, which was mandatory in view of decision in case of Punjab National Bank Vs. Kunj Bihari Mishra (1988) 7SCC 84.

4. Counter affidavit has been filed by the Corporation justifying the impugned actions.

5. I find that there is alternative remedy of appeal before the Secretary, of the Administrative Reforms, Department under Service Conduct Rules of the Corporation. As such the writ petition is disposed of with liberty to the petitioner to take resort to remedy of appeal. In case, any appeal is filed within thirty days from the date of receipt of this order, along with an application for condonation of delay, the same would be sympathetically condoned as the petitioner was pursuing the remedy before this Court. The appeal would be disposed of within a period of four months from the date of its filing.

(Samarendra Pratap Singh, J)

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