

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1477 of 2013

In

Civil Writ Jurisdiction Case No. 9683 of 2008

With

Interlocutory Application No. 8149 of 2013

- =====
1. The Bihar State Food & Civil Suplies Corporation Ltd., Null Sone Bhawan, 5th Floor, Birchand Patel Path, Patna Through The Managing Director
 2. The Managing Director, The Bihar State Food & Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Path, Patna
 3. The Chief Of Administration, Bihar State Food & Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Path, Patna
 4. The Chief Of Claim, Bihar State Food & Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Path, Patna

.... Appellant/s

Versus

Awadh Kishore Pandey Son Of Late B.D. Pandey Resident Of Vilalge-Rampur Mahesh, P.O.- Narayanpur, P.S.- Taraiyan, District- Siwan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

3 23-02-2017

Heard counsel for the appellants.

Delay of 32 days in filing this appeal is condoned. I.A.

No. 8149 of 2013 is allowed. The matter is thereafter taken up on merits.

The learned Single Judge was left with no option but to quash the order of recovery passed against the private respondent since no process or procedure was followed by the appellants



before passing the order of recovery of so-called default amount of Rs. 30, 36, 138.23 paise.

From the records it emerges that the proceeding was initiated against one Sri Hari Ram Paswan, the then Assistant Godown Manager and based on the finding therein order of recovery was also passed against the private respondent. The learned Single Judge has rightly held that the principle of natural justice was violated and he set aside the order and also directed to refund of the amount so recovered.

In the given facts, quashing of the impugned order was warranted because the appellants themselves were responsible for innovating and effecting recovery without any proceeding conducted against the private respondent.

The appeal is dismissed. No interference is warranted with the impugned order dated 5.8.2013 passed in CWJC No. 9683 of 2008.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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