

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3972 of 2016

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Dharmendra Kumar Son of Sri Suresh Prasad Yadav, resident of Mohalla- Babu Tola, Near Block Office, Police Station- Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Banka.
3. The District Manager, State Food Corporation, Banka.
4. The Certificate Officer, Banka.
5. That Additional Collector, Banka.
6. The Block Development Officer, Fullidumar, Banka.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajib Ranjan Jha, Adv.
For the Respondent/s : Mr. Alok Kumar, AC to SC-5
For the BSFC : Mr. Aditya Sahay, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-06-2017

Heard learned counsel for the parties.

In the present case, the petitioner is challenging the final order passed by the Certificate Officer in Certificate Case No. 59/2014-15, whereby and whereunder, the Certificate Officer, Banka has directed the petitioner to make payment of Rs. 16,15,578/- along with interest.

Learned counsel for the petitioner submits that right from the beginning the petitioner has taken a plea that he has already released the paddy as per S.I.O. and there is no discrepancy. It has further been submitted that if there will be proper physical verification



with the records, there is no question of any discrepancy in the supply made by the petitioner. He further submits that the Certificate Officer has not gone into the question what he has raised by him as well as he has submitted that the entire proceeding is not sustainable in law and cannot be proceeded with as the employee will not fall under the purview of P.D.R. Act which has been disputed by the learned counsel for the B.S.F.C.

Be that as it may, the petitioner is ready to deposit the balance deficit quantity of the grain or its value, in such circumstances, let the respondent authority B.S.F.C. make a verification of the records as well as stock standing in the go-down in presence of the petitioner and if there is any deficit, in that circumstances, the petitioner must be ready to make over the loss caused to the Corporation. Accordingly, the authority should make verification of the records as well as of the stock standing in the go-down and if any deficit is found, the petitioner will make payment of the deficit amount within a period of six months from the date of demand made by the Corporation.

The Corporation is directed to conclude the due process within a period of eight weeks from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this



application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.07.2017
Transmission Date	NA

