

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3901 of 2016

IN

Civil Writ Jurisdiction Case No. 9141 of 2015

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Arjun Prasad son of Late Ram Lagan Mahto resident of Village - Pitaungia, P.S.
Bhadaur, District - Patna.

.... Petitioner/s

Versus

1. Sri Ganga Kumkar the Managing Director, Bihar State Food Corporation, Bihar, Patna.
2. Sri Achal Kumar Sinha the Chief of Finance, Bihar State Food Corporation, Bihar, Patna.
3. Sri Nirmal Ray the District Manager, Bihar State Food Corporation, Siwan, District - Siwan.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Sharda Nand Mishra, Advocate
For the BSFC : Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 20-09-2017

Heard Mr. Sharda Nand Mishra, learned counsel for the
petitioner and Mr. Shailendra Kumar Singh, learned counsel for the
Bihar State Food Corporation.

2. A show cause after service is filed which is on record.
The writ petition filed by the petitioner was disposed of in the
following terms :

“ Consequently, the writ application stands disposed of
permitting the petitioner to file a fresh application before the
District Manager, of the Corporation (respondent no.3) for
payment of the remaining post retrial dues. If any such
application is filed within four weeks the said respondent will
consider/examine the same and take appropriate decision



and/or pass appropriate orders towards payment/authorization of the remaining post retrial dues in favour of the petitioner as quickly as possible preferably within 08 weeks of such filing/presentation.”

In the show cause, it is stated that a representation filed by the petitioner, the claim of the petitioner was examined and an order dated 25.7.2017 (Annexure-B to the show cause) has been passed wherein the District Manager found a sum of Rs.11,22,040/- is still recoverable from the petitioner. However, he was entitled to payment of sum of Rs.3,99,659.00 paise for which the steps have been taken.

Mr. Mishra, learned counsel for the petitioner states that while considering the claim of the petitioner, the previous order passed by the Corporation on 28.2.2012 was not considered.

Mr. Singh, learned counsel for the Corporation states that the same was in relation to the withdrawal of amount as advanced by the petitioner while posted at Gaya, Katihar and Purnea.

Considering the scope of the jurisdiction and the statements made in the show cause with regard to disposal of the representation of the petitioner, the Court is not satisfied with a case of willful disobedience of the order of the concerned opposite parties is made.

Mr. Mishra, learned counsel for the petitioner states that the petitioner be granted liberty to challenge the legality of the said order before appropriate forum/authority in accordance with law.



The contempt application is dismissed with the aforesaid liberty.

(Kishore Kumar Mandal, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23-09-2017
Transmission Date	

