

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6264 of 2008

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Dukhan Mahto, son of Late Gudri Mahato, resident of Village Padamkher, P.S. Patahi, Dist. East Champaran, at present, posted as A.G. III (Depot), Divisional, District Magistrate, Food Corporation of India, District Office- Saharsa.

.... Petitioner/s

Versus

1. The Food Corporation of India through the General Manager, Regional Office, Food Corporation of India, Patna.
2. The General Manager, Regional Office, Food Corporation of India, Patna.
3. The Senior Regional Manager, Food Corporation of India, Regional Office, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharad Kumar Sinha, Adv.

For the Respondent/s : Mr. Prabhakar Tekriwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-02-2018

Heard learned counsel for the petitioner and counsel for the F.C.I.

In this case, the petitioner is challenging the order of punishment dated 24.9.2007 whereby and whereunder the petitioner has been imposed penalty of reduction to a lower post of A.G. III (D) fixing his pay at the initial stage of the pay scale of A.G. III (D) for committing misconduct, whereafter, the petitioner has filed appeal. Thereafter, the Food Corporation of India has filed supplementary counter affidavit whereby the copy of the order dated 16.4.2010 passed in appeal was brought on record.

As there is statutory provision for review which has been mentioned in Clause 74 of the Food Corporation of India (Staff)



Regulation, 1971, let the petitioner should file a review application within a period of 45 days from today and if the petitioner files a review application along with the application for condonation of delay, the reviewing authority will consider the case of the petitioner on merit without going into the aspect of limitation in view of the fact that the copy of the appellate authority was not served upon him and he could know about the order only by way of supplementary counter affidavit filed by the Food Corporation of India as stated by the learned counsel for the petitioner.

With the aforementioned observation and direction, this writ application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.02.2018
Transmission Date	NA

