

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14090 of 2004

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Parmeshwar Ramjanam, s/o late Ramjanam. Ex-Assistant Superintendent, Bihar State Warehousing Corporation, Patna, presently resident of Moh—Behind Bihari Mill, Ara PO+PS Ara, Dist-Bhojpur Petitioner/s

Versus

1. The Bihar State Warehousing Corporation, Maurya lok Complex, Patna through its Managing Director
 2. The Chairman, Bihar State Warehousing Corporation, Maurya lok Complex, Patna
 3. The Managing Director-cum-Disciplinary authority, Bihar State Warehousing Corporation, Maurya lok Complex, Patna
 4. The Accounts Officer-cum-the conducting officer, Bihar State Warehousing Corporation, Maurya lok Complex, Patna Respondent/s
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Appearance :

For the Petitioner/s : Mr. A.B. Ojha
: Mr. Bharat Bhim
: Mr. Nitesh Kumar
: Mr. Ramkrishna Roy
For the Respondent/s : Mr. Mithilesh Kr. Roy

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 24-08-2018

1. The present writ petition has been filed for quashing the order of punishment dated 31.03.2004 and the appellate order dated 15.10.2012.

2. The brief facts of the case are that a charge sheet was served on the petitioner which is dated 12.06.2003 and a departmental proceeding was initiated, primarily on the allegation that the petitioner had accepted food grains and sugar from the Food Corporation of India while he was posted as a Store Incharge of the Bihar State Warehousing Corporation which was found to be of inferior quality, hence it was the allegation of the authorities that the petitioner had committed misappropriation of the original materials and thereafter,



managed to get sub-standard materials in the stores and in order to cover-up his misdeeds, he had taken a plea that the materials which were sent by the F.C.I. and accepted by him were sub-standard. The Inquiry Officer had conducted the inquiry and submitted his inquiry report dated 15.03.2004, whereby and whereunder all the charges leveled against the petitioner were found to have been conclusively proved. Thereafter, a second show cause notice was issued to the petitioner which is dated 16.03.2004 and then the disciplinary authority had passed the order of punishment dated 31.03.2004. The petitioner had filed an appeal but the same was dismissed by an order dated 15.10.2012.

3. The learned Senior counsel for the petitioner has raised a short point for consideration that is to the effect that the appellate order dated 15.10.2012 is perverse and unreasoned, inasmuch as the same has not considered the pleas raised by the petitioner especially the one regarding the disciplinary authority being not competent/ authorized to pass punishment order, inflicting such punishments which are not prescribed under the rules/ regulations governing the Bihar State Warehousing Corporation as also the disciplinary authority has not considered the issues raised by the petitioner on merits and that the retrial dues of the petitioner could not have been directed to be withheld by way of punishment.



4. *Per contra*, the learned counsel for the respondents has submitted that there is no illegality in the conduct of the disciplinary proceedings, hence there is no occasion for any interference.

5. I have heard the learned Senior counsel for the petitioner and the learned counsel for the respondents as well as perused the materials available on record and I find from the appellate order dated 15.10.2012 that the same is neither a reasoned nor a speaking order nor the same takes into account the issues raised by the petitioner.

6. In such view of the matter, the appellate order dated 15.10.2012 is quashed and the matter is remanded back to the appellate authority, where the petitioner would submit his representation within six weeks from today and the appellate authority, after giving an opportunity of hearing to the petitioner/ his representative, would take a final decision within 12 weeks thereafter.

7. The writ petition is allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.08.2018
Transmission Date	NA

