

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16979 of 2016

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Govind Prasad S/o Late Baijnath Prasad resident of Maukhlautganj, Railway Cinema Road, P.S.- Kotwali, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through Managing Director, Bihar State Warehousing Corporation, B-2, 1st Floor Mauryalok Complex, Patna, District- Patna.
2. The Managing Director, Bihar State Warehousing Corporation, Mauryalok Compllex, B-2, 1st Floor Mauryalok Complex, Patna, District- Patna.
3. The General Manager, Food Corporation of India, Ranchi.
4. The Area Manager, Food Corporation of India, Daltanganj.
5. The Incharge, Daltanganj Warehouse Corporation.
6. Anil Kumar Sahu S/o- Ramdas Sahu, working as Transporting and Handling Agent of Gadhwa R/o Near Stand, P.O. + P.S. Daltenganj, dist- Palamu, Jharkhand.

.... Respondents

with

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Miscellaneous Jurisdiction Case No. 4042 of 2016

IN

Civil Writ Jurisdiction Case No. 16979 of 2016

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Govind Prasad S/o Late Baijnath Prasad resident of village- Maukhlautganj, Railway Cinema Road, P.S.- Kotwali, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through Sri Jawahar Prasad, S/o not known to the petitioner, at present Managing Director, Bihar State Warehousing Corporation, B-2, 1st Floor, Mauryalok Complex, District- Patna.
2. Sri Jawahar Prasad, S/o not known to the petitioner at present Managing Director, Bihar State Warehousing Corporation, B-2, 1st Floor Mauryalok Complex, Patna, District- Patna.
3. Mr. Amit Bhushan, S/o not known to the petitioner at present General Manager, Food Corporation of India, Ranchi.
4. Mr. R.K. Mandal, S/o not known to the petitioner, at present, Area Manager, Food Corporation of India, Daltanganj.
5. Mr. Naresh Prasad, S/o not known to the petitioner, at present Incharge, Daltanganj Warehouse Corporation.
6. Anil Kumar Sahu, Son of Ramdas Sahu, working as Transporting and handling Agent of Gadhwa, resident of Bus Stand, P.O. & P.S.- Daltenganj, District- Palamu, Jharkhand.

.... Opposite Parties

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Appearance :

(In CWJC No.16979 of 2016)

For the Petitioner : Mr. Aditya Prakash Sahay
Mr. Manoj Kumar Sinha, Advocates.
For the BSWC : Mr. Mithilesh Kuamr Rai, Advocate.
For the FCI : Mr. Prabhakar Tekriwal, Advocate.
For the State : Mr. Sushil Kumar Singh, AC to AAG-10

(In MJC No.4042 of 2016)

For the Petitioner : Mr. Mithilesh Kumar Rai, Advocate.
For the Opposite parties : Mr. Prabhakar Tekriwal, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-05-2018

I.A. No. 8571 of 2016

This interlocutory application has been filed for amendment of the writ petition by adding the following prayers –

“(i) For issuance of order(s), direction(s), writ(s) particularly in the nature of writ of mandamus for direction upon respondent no. 1 to 4 to make/release the payment of petitioner amounting to Rs. 2,29,87,640/- (Rupees Two Crore Twenty Nine Lacs Eighty Seven Thousand Six Hundred Forty only) against the work done by the petitioner at four centres i.e. Chakulia, Dhalbhumgarh, Daltanganj and Gumla and further aforesaid amount has also been approved and forwarded by the superintendent of all the centres for passing/releasing the amount.

(ii) For issuance of further appropriate writ/writs, order/orders, direction/directions particularly in the nature of writ of mandamus for direction upon respondent authorities for making/release of payment of godowns and Weigh Bridge (Dharmkanta).

(iii) For issuance of further appropriate writ/writs, order/orders, direction/directions for granting any other relief or reliefs which this Hon’ble Court deem fit and



proper in the facts and circumstances of the case to protect the valuable rights of the petitioner.

2. Having regard to the nature of the prayer, the interlocutory application is allowed and the petitioner is permitted to make appropriate amendment in the writ petition and the same shall be treated as forming part of the writ petition."

C.W.J.C. No. 16979 of 2016

3. The main writ petition has been filed for the following reliefs –

"(I) For issuance of appropriate writ/writs order/orders direction/directions for quashing the Office order contained in Memo No. 493 dated 22.09.2016 as contained at Annexure-7 by which respondent no. 2 has appointed respondent no. 6 as transporting and handling agent at the rate of 611% ASOR L-1 as furnished by the said respondent without any show cause to the petitioner and without issuing any termination letter before expiry of the period as provided under Clause-4 of the agreement and only on the basis table work in the Office of respondent no. 2, respondent no. 6 has been appointed without inviting any tender for the said purpose holding therein that the petitioner is not taking interest in the work allotted to him.

(II) For issuance of appropriate writ/writs order/orders direction/directions for further quashing the Office Order contained in Memo no. 326 dated 03.06.2016 as contained at Annexure-6 issued by the respondent no. 2 by which it has been ordered that the appointment of the petitioner as Transporting and Handling agent will come to an end on 04.06.2016 which is contrary against the terms of the



agreement as well as the extended period of six months which provides that the period two years will commence from date of receipt of work order.

(III) For issuance of further appropriate writ/writs order/orders direction/directions to allow the petitioner to continue as transporting and handling agent who has not completed the period of two years from the date of work order issued on 29.12.2015 or the period of six months has been extended as the impugned orders have been issued in a most arbitrary manner.

(IV) For issuance of appropriate writ/writs order/orders direction/directions for granting any other relief or reliefs including the order of stay be granted which deem fit and proper in the facts and circumstances of the case to protect the valuable rights of the petitioner.”

4. The matter has been taken up out of turn on the request of the petitioner on the plea that the writ petition is being confined only to the prayer for a direction to the respondents to make payment of the outstanding dues of the petitioner and the other prayers are not being pressed.

5. So also the petitioner does not press the contempt petition in MJC No. 4042 of 2016 which stands dismissed.

6. Having regard to the limited nature of the grievance of the petitioner which now survives, this Court is of the view that the ends of justice will be met if the petitioner is granted liberty to approach the General Manager, Food Corporation of India, Ranchi



(respondent no. 3) with a fresh representation raising all points for redressal of his grievances. Learned counsel appearing on behalf of the respondent FCI has no objection in this behalf, and admittedly the payment to the petitioner has to be made by the respondent-FCI and routed through the respondent-BSWC.

7. In the above view of the matter and with consent of the parties, if any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring release of funds to the respondent-BSWC to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Thereafter, the respondent-BSWC shall ensure payment to the petitioner within a further two weeks of receiving the funds from the respondent-FCI. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 6% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

8. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

9. I.A. No. 8629 of 2016 has been filed on behalf of the



respondent no. 6 for vacating the order of interim stay, which having become infructuous, stands dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.05.2018
Transmission Date	N.A.

