

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17344 of 2017

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

... .. Petitioner

Versus

1. The Managing Director, Bihar State Food and Civil Supplies Corporation, Bihar, Patna.
2. The Chief of Finance, Bihar State Food and Civil Supplies Corporation, Bihar, Patna.
3. The Chief of Administration, Bihar State Food And Civil Supplies Corporation, Bihar, Patna.
4. The Chief of Claim, Bihar State Food and Civil Supplies Corporation, Bihar, Patna.
5. The District Manager, Bihar State Food and Civil Supplies Corporation, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the Respondent/s	:	Mr. Nirmal Kumar, Advocate
		Mr. Amit Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 03-08-2018

Heard learned counsel for the petitioner and
learned counsel for the Bihar State Food and Civil Supplies
Corporation.

2. In this case, the petitioner is challenging the order
dated 07.08.2017, by which direction was given to recover an
amount of Rs.11,32,727.37/- and added interest of
Rs.75,90,551.79/-, total amount comes to Rs.87,23,279.16/-
from the petitioner.



3. Learned counsel for the petitioner has placed reliance on the order passed by this Court in M.J.C. No.2589 of 2011, which states as follows:-

“In the second show cause filed on behalf of opposite parties, Bihar State Food and Civil Supplies Corporation, an order dated 28.02.2012 passed by the Managing Director of the Corporation has been brought on record in which it is stated that the entire bills of the petitioner have been adjusted against his unadjusted advance/godown losses and order has been passed for paying him the balance amount of Rs.7,19,507.28. In the above circumstances, the order under contempt has been complied with. The contempt application is, accordingly, dismissed.”

4. Learned counsel for the petitioner pointed out that Rs.7,19,507.28/- was the balance amount to be paid by the Corporation, but the aforesaid amount has also been included as an amount which the petitioner is liable to pay, inasmuch as, before issuance of order of recovery, the petitioner was not given any opportunity of hearing and he could have explained that the petitioner is not liable to pay the amount which has been mentioned in the order dated 07.08.2017.



5. In such view of the matter, let the petitioner file a proper representation before the Managing Director of the Corporation. If such a representation is filed, the Managing Director of the Corporation will examine the grievance raised by the petitioner, there should not be addition of any amount which has already been subject matter of contempt petition i.e. M.J.C. No.2589 of 2011 as undertaking was given that the same would be paid to the petitioner.

6. It is made clear that till final decision is taken, the order dated 07.08.2017 will not be implemented by the Corporation subject to the condition that the petitioner should file representation within four weeks from today.

7. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	06.08.2018
Transmission Date	N/A.

