

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3088 of 2019

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Ram Uday Singh Son of Late Ram Pratap Singh, Resident of Village-
Paspura, P.O Paspura, P.S- Muffasil, District- Begusarai

... .. Petitioner

Versus

1. The Bihar State Food And Civil Supply Corporation, KhadyaBhawan,
DarogaRai Path, R. Block, Road No.2, Patna through its Managing Director.
2. The Managing Director, The Bihar State Food and Civil Supply Corporation,
KhadyaBhawan, DarogaRai Path, R. Block,Road No.2, Patna.
3. The Chief of Claim, The Bihar State Food and Civil Supply Corporation,
KhadyaBhawan, DarogaRai Path, R. Block,Road No.2, Patna.
4. The Senior Deputy Chief of Claim, The Bihar State Food and Civil Supply
Corporation, KhadyaBhawan, DarogaRai Path, R. Block Road No.2, Patna.
5. The District Manager, Bihar State Food and Civil Supply Corporation Ltd.
Munger.
6. The Assistant Manager, The Bihar State Food and Civil Supply Corporation
Ltd. CMR Godwan, Tarapur, District- Munger.
7. The Assistant Manager-cum-Incharge Upliftment, TPDS Godown, The Bihar
State Food and Civil Supply Corporation Ltd., Munger.
8. The Deputy Chief of Computer, The Bihar State Food and Civil Supply
Corporation, KhadyaBhawan, DarogaRai Path, R. Block Road No.2, Patna.
9. The Deputy Chief Transportation, The Bihar State Food and Civil Supply
Corporation, KhadyaBhawan, DarogaRai Path,R. Block Road No.2, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar, Advocate Mr.Sanjeet Kumar, Advocate
For the Respondent/s	:	Mr.Shailendra Kumar Singh,Advocate Mr. Harish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-05-2019 After some argument Mr. Sandip Kumar learned

counsel assisted by Mr. Sanjeet Kumar on behalf of the

petitioner submits that so far as the order of cancellation of



contract and recovery from the bills of the petitioner are concerned, the petitioner would seek his remedy against that in terms of the Arbitration Clause. The writ application has not been pressed against that part of the impugned order as contained in Annexure '1' (memo no. 9536 dated 11.09.2017) issued under the signature of the Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. (hereinafter referred to as the 'Corporation') to the writ application by which the contract in question has been cancelled.

The writ application has then been pressed against that part of the impugned order by which the petitioner has been black listed for a period of three years from acting as a Transportation Agent.

At this stage, for purpose of an interim relief, learned counsel for the petitioner submits that the show cause notice as contained in Annexure '9' to the writ application was issued on 16.08.2017 to the petitioner on the basis of so called report showing that the vehicle No. BR9E-1802, which belongs to the petitioner, had lifted the foodgrains from Tarapur Godown and in stead of unloading that at TPDS Godwon Tarapur those were directly dispatched to the Dealers and the petitioner therefore, indulged in making false bills showing that the transportation



was done from CMR Godown Tarappur to TPDS Godown Tarapur.

Learned counsel submits that at the first instance he has made a categorical statement in the writ application that copy of the so called report was never supplied to him. His next submission is that in response to Annexure '9' to the writ application the petitioner had submitted a reply dated 29.08.2017 as contained in Annexure '10' to the writ application. In his reply he had categorically submitted that the 4G report and GPS location are showing the truck inside the Tarapur Sub-Divisional office ground and at no point of time the truck has been shown going outside the compound. There are other explanations also. It is the contention of learned counsel for the petitioner that his specific reply has not at all been considered while passing the impugned order. It is submitted that the authority passing the impugned order has rejected the show cause of the petitioner stating that the same has not been found satisfactory. It is further submitted that out of three years of black listing period the petitioner has already suffered about one year 8 months by now.

Learned counsel for the Corporation having noticed the difficulties in defending the impugned order came forward



to submit that in the given facts and circumstances of the case, the order of black listing may be showing certain procedural infirmity but that would not be a bar for the Corporation in taking a fresh view of the matter if this Court grants liberty to the Corporation to that extent.

Having noticed the kind of submissions raised on behalf of the Corporation, this Court finds it just and proper to quash the impugned order as contained in Annexure '1' insofar as it relates to black listing of the petitioner on the ground of violation of principles of natural justice i.e. for not supplying the copy of the report to the petitioner and for not considering the detail reply of the petitioner as contained in Annexure '10' to the writ application. Annexure '1' to the writ application in so far as it relates to blacklisting stands quashed. This would, however, not preclude the Corporation from initiating a fresh action, if so advised, in accordance with law and by following the established procedure of law.

It goes without saying that in course of fresh action, if any initiated, the petitioner will be given an appropriate opportunity of hearing.

For the reliefs which were not pressed before this Court, the petitioner shall be at liberty to seek his remedy before the appropriate forum/court as the case may be in



accordance with law.

This writ application as well as pending interlocutory applications stand disposed off in the aforesaid terms.

(Rajeev Ranjan Prasad, J)

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