

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1680 of 2019

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Ajeet Kumar, Late Chhotelal Gupta, at Dakhintola Siwan, P.S.- Siwan,
District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Bihar State Food and Civil Supplies Corporation Ltd., Khadh Bhawan, Daroga Rai Path, R Block, Road No.2, Patna-1, through its Managing Director.
3. The Head (Administration), Bihar State Food and Civil Supplies Corporation Ltd., Khaadh Bhawan, Daroga Rai Path, R Block, Road No.2, Patna-1.
4. The Deputy General Manager (Administration), Bihar State Food and Civil Supplies Corporation Ltd., Khaadh Bhawan, Daroga Rai Path, R Block, Road No.2, Patna-1.
5. The District Magistrate, Bihar State Food and Civil Supplies Corporation Ltd., Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the Respondent/s : Mr. S.Raza Ahmad, AAG-5
Mr. Alok Ranjan, AC to AAG-5
For the BSPC : Mr. Shailendra Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 31-01-2019

Heard the learned counsel for the petitioner



and the State.

2. The petitioner has approached this Court for a direction to the respondent-Bihar State Food & Civil Supplies Corporation Ltd. (*in short the Corporation*) for his reinstatement in service as his services were terminated *vide* order dated 29.08.2013 because of his involvement in Siwan Nagar P.S. Case No. 324 of 2013.

3. The learned counsel for the petitioner has submitted that in the aforesaid criminal case (Siwan Nagar P.S. Case No. 324 of 2013), the petitioner was not put on trial as the charges were not found to be substantiated and final report false was submitted in his favour, which report was accepted by the Court.

4. Hence, the prayer in the petition.

5. The learned counsel appearing for the Corporation has, however, submitted that the present claim of the petitioner has been agitated after five years of the order of termination, which is not permissible. It has further been brought to the notice of this Court that the engagement of the petitioner was only for a limited



contractual period.

6. The learned counsel for the petitioner has submitted that even though the petitioner was a contractual employee, he was entitled to be afforded a show-cause notice for the termination/secession of his engagement. That not having been done, the right of the petitioner to pursue his claim survives as the order of termination was primarily on the ground of his involvement in the criminal case.

7. From the aforesaid facts, it becomes very clear that the only claim of the petitioner is for giving him notional benefit for the entire contractual period for which he could not work because of the termination of his service. Whether he shall be paid for the period that he has not worked, is a question which has to be decided by the respondent-Corporation. A clarification also appears to have been sought from the office of the Deputy General Manager (Administration), Bihar State Food & Civil Supplies Corporation Ltd., Patna (respondent No. 4) from the District Manager, Bihar State Food & Civil Supplies Corporation Ltd.,



Siwan (respondent No. 5). It further appears that the representations of the petitioner have not been heeded to or acted upon.

8. This Court, now, can only direct that if the petitioner makes a fresh representation before the Deputy General Manager (Administration), Bihar State Food & Civil Supplies Corporation Ltd., Patna (respondent No. 4), within a period of four weeks from the date of receipt/production of a copy of this order, the same shall be disposed off by the respondent No. 4 by a speaking order within a period of eight weeks thereafter.

9. With the aforesaid observation and direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.02.2019
Transmission Date	N/A

