

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16734 of 2011

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Mahendra Pratap Singh, Son of Dineshwar Prasad Singh, resident of Village -
Taranpur, P.S.- Gaurichak, District – Patna, at present retired Assistant
Manager, Bihar State Food and Civil Supplies Corporation Limited, Nalanda.

... .. Petitioner

Versus

1. The Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Veer Chand Patel Path, Patna, through its Managing Director.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Veer Chand Patel Path, Patna.
3. The Chief of Administration, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Veer Chand Patel Path, Patna.
4. The Chief of Finance, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Veer Chand Patel Path, Patna.
5. The District Manager, Munger, Bihar State Food and Civil Supplies Corporation, Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Bishnu Kant Dubey, Advocate Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 24-04-2019

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

2. In the present case, the petitioner is challenging the
order containing memo no.4430 dated 31.05.2011, issued under
the signature of the Managing Director, Bihar State Food and



Civil Supplies Corporation, whereby and whereunder the Managing Director has directed for recovery of amount of Rs.47,848.17/- along with 18% interest as well as Rs.1,95,480/-.

3. As it appears from the record that a departmental proceeding was initiated, in which the petitioner visited with the punishment vide memo no.3007 dated 13.04.2006 issued by the Chief of Administration as per the direction of the Managing Director, by which three punishment have been inflicted upon the petitioner viz. the petitioner will not be entitled to the salary during the period of suspension except subsistence allowance, an amount of Rs.47,848.17/- along with interest will be recovered from the petitioner and warning for future. This order has not been challenged before any authority by the petitioner and it has reached to its finality, after that the Managing Director has passed the order of recovery of the said amount along with unadjusted amount, which remained with the petitioner, that comes to Rs.1,95,480/-. While giving direction for recovery of the said amount 18% interest has been added. This 18% interest is confined to shortage of amount of Rs.47,848.17/-.

4. Learned counsel for the petitioner submits that recovery of aforesaid amount along with 18% interest is



completely not in accordance with law as in the service condition no such provision has been attached that in case of shortage or non-adjustment of advance, the money will be recovered along with interest at the rate of 18% per annum. He further submits that the petitioner is ready for adjustment of the amount, which is outstanding against the petitioner.

5. Whereas, learned counsel for the Bihar State Food and Civil Supplies Corporation Limited submits that the interest has only been attached on shortage of amount of Rs.47,848.17/- and in the order it has been mentioned that the recovery will be made along with interest and this order remain unchallenged.

6. Having considered the rival contentions of the parties, it appears that there there is no interest on the amount of Rs.1,95,480/-, only the interest has been added on the amount of Rs.47,848.17/- that too at the rate of 18% per annum. Further, in the punishment order dated 13.04.2006 the rate of interest has not been mentioned in the shortage amount, but a vague statement regarding interest has been mentioned, but while passing the impugned order dated 31.05.2011, the respondent authority has charged interest at the rate of 18% per annum and respondent no.2 has not shown any material or any Rule which empowers the Management to realize the interest on the



shortage amount.

7. In such view of the matter, the impugned order containing memo no.4430 dated 31.05.2011 is set aside with respect to interest part only. The Management can recover the shortage amount of Rs.47,848.17/- as well as un-adjusted amount of Rs. 1,95,480/- from the petitioner, but will not charge any interest from the petitioner.

8. Accordingly, this writ petition is allowed to the above extent.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	26.04.2019
Transmission Date	

