

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12558 of 2017

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Anand Krishna Son of Late Gopal Krishna, resident of Mohalla- Lal Darwaja,
P.O. P.S. District- Munger.

... .. Petitioner/s

Versus

1. The Union of India through Secretary Department of Textile, New Delhi
2. National Textile Corporation, Core IV, Scope Complex, 7 Lodhi Road, New Delhi 110003 through its Managing Director
3. The Director HR, NTC, Core IV, Scope Complex, 7, Lodhi Road, New Delhi 110003.
4. The Chief General Manager, National Textile Corporation Western Regional Office, 15 NM- Marg Billard State, Mumbai 400001
5. D.G.M Marketing NTC, Western Regional Office, 15, NM- Marg Billard State, Mumbai- 400001.
6. The Senior Manager, Marketing, National Textile Corporation 7 Jawahar Lal Nehru Road Kolkotta, 700013

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Aditya Prakash Sahay
For the Respondent/s : Mr.S.D Sanjay Addl. Soc. Gen.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 08-04-2019

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of National Textile Corporation
(hereinafter referred to as the 'NTC').

2. In pursuance to the order dated 15.03.2019, Mr.
Pratap Dattaramji Nitnaware, Senior Manager, Marketing, NTC,
Kolkata is personally present. A supplementary counter affidavit
has been filed on behalf of Respondent Nos. 2 to 6 stating therein
that the purchases while the petitioner was Assistant Manager,
NTC at Patna he procured Non-NTC stock worth Rs. 62,04,148/-



during his tenure from 18.04.2012 to 28.02.2017 and in the year 2015 decided to dispose off the stock through auction, which was detected on the complaint so file against the petitioner. It is further submitted that a departmental proceeding has been proposed against the petitioner for purchase of such Non-NTC stocks and its auction which is Annexure-R/L dated 26th of March, 2019 and a show cause notice dated 03.04.2019 has been issued against him, which is Annexure-R/M.

3. Petitioner retired from the post of Assistant Manager, NTC on 28.02.2017. Counsel for the petitioner submits that even for the proposed departmental proceeding and the show cause issued vide Annexure-R/M to the supplementary counter affidavit the authorities cannot withhold his entire retiral benefits in view of the Full Bench judgment of this Court in the Case of ***Arvind Kumar Singh vs. The State of Bihar through the Chief Secretary & Ors.*** since reported in ***2018(2) PLJR 933.***

4. Considering the submission of the parties, this writ application is disposed of with a direction to the respondent NTC to conclude the departmental proceeding within a period of six months from today provided the petitioner cooperates in such departmental proceeding. In the meantime, the respondent authorities are directed to make payment of retiral benefits in view



of the Full Bench judgment of this Court in the case of Arvind Kumar Singh (supra). The personal appearance of the Senior Manager, Marketing, NTC, Kolkata is dispensed with.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09 .04.2019
Transmission Date	NA

