

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2960 of 2016

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Ashok Kumar Singh S/o Late Ayodhya Pd. Singh, R/o Sarvodaya Nagar,
Road No.-3, Gola Road, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Food and Civil Supply Department, Govt of Bihar, Patna.
2. The Managing Director, Bihar State Warehousing Corporation, B-2, Ist Floor, Maurya Lok, PS- Kotwali
3. The Depo Manager, Food Corporation of India Daltenganj, Jharkhand.
4. The Divisional Manager, State Warehousing Corporation, Ranchi, Jharkhand.
5. The Manager A/Cs, Food Corporation of India, District Office Ranchi, Jharkhand.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar Singh, Advocate
For BSWC	:	Mr. Mithilesh Kumar Rai, Advocate
For FCI	:	Mr. Prabhakar Tekriwal, Advocate
For the State	:	Mr.Anuradha Singh, SC 21

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 03-04-2019

The short issue raised by petitioner's counsel is that he has been held liable, to recovery of an amount of Rs. 2,95,530/-, on account of alleged shortage of 218 quintals, 40 kg and 995 grams of shortage in the stock of rice at the go-down of the Corporation while the petitioner was posted there as Superintendent. Prior to passing the order of recovery dated 13.04.2015 a show cause by Annexure 9 dated 01.02.2010 was issued to the petitioner.

Petitioner complaints that he has submitted his detailed response to the show cause on 18.03.2010 wherein he has raised various issues regarding receipt of rice in shortage from the Food Corporation of India. He has also raised various issues



which are sufficient to establish that the petitioner cannot be held responsible for the alleged shortage. The specific ground raised by the petitioner in his response to show cause have not been considered in the order dated 13.04.2015 whereby he has been saddled with the liability for alleged shortage.

Prima facie from perusal of the order dated 13.04.2015 it is obvious that the same does not show consideration of any of the grounds urged by the petitioner in his response to show cause.

Counsel for the respondent Bihar State Warehousing Corporation submits that since the petitioner was superintendent posted in the go-down, he cannot be absolved from his liability and the authorities have rightly imposed the liability on the petitioner.

This Court would not express any opinion as to whether petitioner can be or cannot be held liable for the shortage alleged. This Court would only observe that once the petitioner was called upon to give a show cause and he responded to the same, respondent authorities were required to consider the same and to pass a reasoned and speaking order. Non-assigning of reason and non-consideration of points raised by the petitioner in his response has occasioned a miscarriage of justice. The importance of assigning reasons to avoid arbitrariness in the decision and to show fairness in the process has been emphasized by Court repeatedly. In this regard, this Court would refer to decision of the Apex Court in the case of **Kranti Associates Pvt. Ltd & Anr. vs. Masood Ahmad Khan & Ors.** reported in **(2010) 9 SCC 496** wherein the entire issue has been considered with reference to long line of cases. In this regard exhaustive guidelines have been laid down requiring assigning



of reasons. The matter is therefore, remanded to the Managing Director of the respondent Corporation to pass a fresh and reasoned order in accordance with law showing consideration of the points urged by the petitioner. The earlier order dated 13.04.2015, impugned in the instant proceedings, shall not stand in the way of such fresh decision. The petitioner’s entitlement on account of the said order of punishment shall abide by the final decision to be taken by the authorities upon remand.

Let final decision be taken within eight weeks.

Writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

