

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11805 of 2014

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1. Pankaj Kumar Singh, Son of late Umesh Prasad Singh Resident of Village- Shakti Nagar, Naya tola, P.S.- Kasim Bazar, District- Munger.
 2. Sadhana Devi Daughter of late Umesh Prasad Singh, Wife of Sanjay Kumar Singh Resident of Village- Laxmipur, P.S. Haveli Kharagpur, District- Munger.
 3. Nutan Devi Daughter of late Umesh Prasad Singh, Wife of Sanjay Kumar Singh Resident of Village- Udhadih, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Bihar, Patna.
2. The Principal Secretary/Food Commissioner, Food and Consumer Conservation Department, Bihar, Patna
3. The District Magistrate, Munger
4. The Sub - Divisional Officer, Sadar, Munger
5. The Bihar State Food and Civil Supplies Corporation Ltd., Bihar, Patna through its Managing Directo
6. The Managing Director, the Bihar State Food and Civil Supplies Corporation Ltd., Bihar, Patna
7. Pramukh - Prashashan, Head Quarter, Bihar State Food and Civil Supplies Corporation Ltd., Bihar, Pa
8. Pramukh Bitta - cum - conducting officer, the Bihar State Food and Civil Supplies Ltd., Bihar, Patna
9. District Manager, State Food Corporation, Munger

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rana Ishwar Chandra, Advocate.

For the Respondent/s : Mr. Birju Prasad, G.P.-13.
Mr. Krishna Murari Prasad, AC to GP-13.
Mr. Anmol Kumar Advocate.
Mr. Ajit Anand, Advocate.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 11-02-2019



Heard learned counsel for the petitioners and learned counsel for the respondents.

2. The original writ petitioner was inflicted with an order of punishment dated 23.06.2011 passed by the Respondent No. 6, Managing Director, Bihar State Food and Civil Supplies Corporation (hereinafter referred to as the 'Corporation'). He has been placed in the initial scale of pay by reducing his pay scale. He was also deprived of salary for the period of suspension over and above the subsistence allowance.

3. The original petitioner, being Grade-IV employee, was proceeded against on the charge of having made supply facilitating black-marketing of food grains causing financial loss to the respondents-Corporation. Against the order of punishment dated 23.06.2011, the petitioner approached the Court by filing CWJC No. 1051 of 2014. The writ petition was disposed of with a direction to the petitioner to prefer an appeal against the impugned order before the appellate authority. The appellate authority was directed to consider the same and dispose of within a period of three months from the date of the writ court order i.e., 17.01.2014.

4. Availing such opportunity, the original petitioner has not filed any appeal before the appellate authority. Now, he has



challenged an order passed by the appellate authority on his appeal filed prior to issuance of order dated 17.01.2014 in CWJC No. 1051 of 2014.

5. Order of the appellate authority, to say the least, is a glaring example of cryptic and non-speaking order. The appeal of the original petitioner has been reduced to an empty formality inasmuch as no reason what so ever has been assigned by the appellate authority while rejecting the original petitioner's appeal.

6. Learned counsel for the petitioners submits that he is not in a position to place on record whether appeal has been filed pursuant to order of this Court dated 17.01.2014 in view of demise of the original writ petitioner, subsequent to filing of the instant writ petition.

7. In the circumstances and in order to give effect to the earlier order passed in favour of the original petitioner on 17.01.2014, the petitioners are accorded opportunity to file a detail appeal against the order of the disciplinary authority dated 23.06.2011 before the Principal Secretary/appellate authority. The appellate authority should consider the petitioners' appeal on merits and dispose of the same by a reasoned and speaking order in accordance with law within a period of three months



from the date of receipt of a copy of this order, which should be filed within four weeks from today. Earlier order dated 02.04.2014 shall not stand in the way of the appellate authority while passing the order.

8. Accordingly, the writ petition is disposed of.

(Madhuresh Prasad, J)

sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

