

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2285 of 2020

Vikram Kumar Chaudhary Son of Late Vinod Chaudhary Resident of Ward No. 23, Bhadurpur, Police Station- Samastipur Town, Samastipur, District-Samastipur.

... .. Petitioner/s

Versus

1. The Bihar State Food and Civil Supply Corporation Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna through its Managing Director.
2. The Managing Director, The Bihar State Food and Civil Supply Corporation, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
3. The District Manager, Bihar State Food and Civil Supply Corporation Ltd, Samastipur.
4. The Assistant District Manager, The Bihar State Food and Civil Supply Corporation Ltd. (TPDS), Samastipur.
5. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
6. The District Magistrate, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeet Kumar, Advocate
For the BSFC	:	Mr. Harish Kumar, GP-8.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 13-09-2021 Heard Mr. Sanjeet Kumar, learned counsel for the petitioner and Mr. Harish Kumar, learned GP-8, for the Bihar State Food and Civil Supply Corporation Ltd.

The petitioner is aggrieved by the order, as contained in Memo No.681 dated 18.01.2020 passed by Managing Director, Bihar State Food and Civil Supply Corporation Ltd. (respondent No.2) whereby agreement executed with the petitioner as Transport-cum-Handling Agent, Samastipur on 02.06.2016 has been cancelled. The security money and bank guarantee deposited by the petitioner for work of Transport-cum-Handling Agent,



Samastipur has been forfeited and further the petitioner has been debarred from participating in any tender for the next five years and further ten personal vehicles of the petitioner shall not be used for transportation of food-grains in any district of SFC. Fourthly, the amount equivalent to five times at the economical rate of the food grains loaded in the truck bearing No.JH-10-N-8352, was also ordered to be realised from the petitioner.

Learned counsel for the petitioner at the outset submits that the order passed by the Managing Director, Bihar State Food and Civil Supply Corporation Ltd. (respondent No.2) is not in accordance with law inasmuch as before passing the order of punishment which have been awarded to the petitioner, i.e., punishment No.1, 2 and 3, no show cause notice was issued or served upon the petitioner by the Managing Director (respondent No.2) and with regard to fourth punishment, the show cause was issued by District Manager and not by the Managing Director. Accordingly, learned counsel for the petitioner submits that the order impugned is in complete violation of the principle of natural justice.

On the other hand, learned counsel for the respondent-Corporation submits that it is a fact that show cause for the three punishments has not been issued by the Managing Director,



however, with regard to fourth punishment, a show cause was issued by the District Manager which was considered by the Managing Director and order for realization of the value of the food-grains to the extent of five times has been passed.

Having heard learned counsel for the parties and taking into consideration the submissions made by learned counsel for the respondent-Corporation that no show cause has been issued before passing the order of punishment, I come to the conclusion that the impugned order is in complete disregard of the principle of natural justice and is not sustainable, as such, the same is quashed and the matter is remitted back to the Managing Director to issue a proper show cause notice to the petitioner on all the charges and after giving opportunity to the petitioner to submit his reply to the show cause and after giving personal hearing, the matter shall be decided by the Managing Director, Bihar State Food and Civil Supply Corporation Ltd. (respondent No.2) in accordance with law and by a reasoned order within a total period of three months.

With the aforesaid directions and observations, the present writ application is disposed.

(Anil Kumar Sinha, J)

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