

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2482 of 2018

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Pramod Kumar Son of Late Sita Ram Sao, Resident of Village and Post Office-Barrazi, Under Gram Panchayat Devan Gardh, Sub-Division-Nawada Sadar, Police Station and Block-Kaua Kole, District-Nawada.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Nawada.
3. The Deputy development Commissioner, Nawada.
4. The Director D.R.D.A. Nawada.
5. The Block development Officer, Kaua Kole, District-Nawada.
6. The Block Supply Officer Kaua Kole, District-Nawada.
7. The Secretary, Justice Uday Sinha Judicial Enquiry Commission 12-13 Back Harding Road, Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Jitendra Kumar Roy
For the Respondents : Mr. Anjani Kumar-Aag4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 29-06-2021 The petitioner has put to challenge an order dated 25.09.2017 passed in Case No. Nawada/33/C.W.J.C./17 and 37/C.W.J.C./17 by the learned Chairman of a Judicial Enquiry Commission, constituted in the light of judgment and order of this Court dated 21.09.2015 passed in C.W.J.C. No. 5638 of 2011 (*Raiful Azam and Others vs. The State of Bihar and Others*) and other analogous matters.

2. Taking note of a pattern prevailing in the State of Bihar of misappropriation of food grains by the P.D.S. Dealers and others, this Court, in case of *Raiful Azam and Others*



(supra) had considered it apt to constitute a three-men enquiry commission headed by Mr. Justice Uday Sinha, a retired Judge of this Court. The scope of enquiry has been mentioned in paragraphs 88 and 89 of the said judgment and order, which read thus : -

“88. The aforesaid Enquiry Commission shall look into all the various facets of the supply and distribution of the rice, in question, under S.G.R.Y. through the P.D.S. dealers including the writ petitioners with a view to primarily fix the responsibility on the P.D.S. dealers vis-à-vis government officials in the matter of recovery of the price of rice which could not be distributed under the S.G.R.Y. Scheme and remained with the P.D.S. dealers, quantified by the C.A.G. to the tune of Rs. 321 crore and by the Government of Bihar to the tune of Rs. 215 crore.

89. The Enquiry Commission for this purpose shall also go into the following aspects:-

(i) The quantum of actual loss sustained to the government, in S.G.R.Y.

(ii) The terms and conditions of allotment of rice to P.D.S. dealers under S.G.R.Y. for its distribution to the beneficiaries.

(iii) The manner of allotment of rice to the PDS dealers.



(iv) The payment of transportation/handling/storage charges to PDS dealers.

(v) Price of rice on which recovery has to be made.

(vi) Whether 5994 PDS dealers alone will be responsible for recovery of the aforesaid loss or even the officials entrusted with the task of regulating and monitoring the SGRY scheme including 48 Divisional Commissioners, 204 Collectors, 202 Deputy Development Commissioners, 412 Sub Divisional Officer apart from 2640 Block Development Officers as well as concerned person of Zila Parishad/Panchayat Samiti/Gram Panchayat including Panchayat Secretary and Mukhia.

(vii) The Enquiry Commission in fact will also have to fix the quantum of amount of recovery to be made from the PDS dealers and/or officials so that not only 5994 PDS dealers being subjected to at least 689 criminal cases and 4985 certificate proceedings alone are not made liable in isolation unless the Enquiry Commission comes to a conclusion that the Government officials had discharged their duty religiously in the matter of monitoring and supervising SGRY scheme all over the State.

(viii) The Enquiry Commission may also go into any other related aspect for ensuring recovery of the total loss of revenue



caused to the state exchequer in the execution and implementation of the S.G.R.Y. scheme all over Bihar in the period 2002 to 2006.

(ix) The Enquiry Commission shall also be free to make any interim as also final recommendation for recovery of entire loss of government revenue under S.G.R.Y. scheme.”

3. The petitioner’s father was a P.D.S. Shop Dealer. It transpires from the impugned order passed by the learned Chairman of the Judicial Enquiry Commission that a total sum of Rs.6,79,163.80 was found due, being the value of 276 quintals of rice, which was left with the P.D.S. Dealer Sitaram Saw (petitioner’s father), who died in 2009. The State demanded the said sum from the petitioner and a certificate proceeding came to be initiated against him on the allegation of misappropriation of public money by his father. The petitioner approached the enquiry commission raising a plea that there was no liability on him to pay the amount which was allegedly misappropriated by his father.

4. Learned Chairman, by the impugned order, refused to entertain the petitioners contention with a liberty to raise the issue before the Certificate Officer.

5. I do not find any illegality in the order passed by the enquiry commission. The petitioner could have raised the



plea, which he had raised before the enquiry commission, before the Certificate Officer.

6. This application has no merit. It is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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