

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1273 of 2019

In

Civil Writ Jurisdiction Case No.6824 of 2012

-
-
1. The Bihar State Food and Civil Supplies Corporation Ltd. through Managing Director, Sone Bhawan Birchand Patel Path Patna at present Khadya Bhawan R Block, Patna.
 2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan Birchand Patel Path Patna at present Khadya Bhawan R Block, Patna.
 3. The Chief Claim, Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan Birchand Patel Path Patna at present Khadya Bhawan R Block, Patna.
 4. The District Manager, Bihar State Food and Civil Supplies Corporation, Katihar.
 5. Accounts Officer, Bihar State Food and Civil Supply Corporation, Katihar.

... .. Appellant/s

Versus

1. Qumrun Nisa @ Qumrun Nesa wife of late Md. Rahimullah Resident of Mehdi hasan Chowk Azad lane Brahmpura, P.S. Brahmpura, District Muzaffarpur.
2. The State of Bihar. Bihar.
3. The Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 01-08-2022

The present appeal is filed by the Bihar State Food and Civil Supplies Corporation Ltd. (Deceased) Md. Rahimullah was an employee of the appellant. He was working as an Assistant



Godown Manager. He died on 21.12.2005. During the audit of the account of the Corporation the appellants-Corporation noticed that deceased employee defalcated an amount of Rs. 10,48,378,44/- while he was in service certain amount was adjusted against his salary the remaining amount was required to be recovered. In this regard, on his death, the recovery is sought to be made from his wife respondent-Qumrun Nisa @ Qumrun Nesa vide communication dated 05.12.2011, the letter bearing No. 9219 of the appellants-Bihar State Food and Civil Supplies Corporation Ltd.

Feeling aggrieved and dissatisfied with the communication dated 05.12.2011 respondent-Qumrun Nisa @ Qumrun Nesa filed CWJC No. 6824 of 2012. The learned Single Judge allowed the writ petition on 25.04.2019 while quashing the letter dated 05.12.2011 and further liberty has been given to the appellant to recover the amount of Rs. 50,960/- and remaining amount shall be refunded to the respondent. Feeling aggrieved and dissatisfied with the order of the learned Single Judge the appellants have presented this appeal.

We have asked the learned counsel for the appellants-Corporation as to whether any departmental inquiry has been held



insofar alleged defalcation amount on behalf of the deceased-employee, Md. Rahimullah or not?

Learned counsel for the appellants fairly submitted that no departmental inquiry was held so as to determine the defalcated amount.

In the light of these facts and circumstances, one has to draw inference that any defalcation of money by an employee, the same shall be determined in a departmental inquiry if it is disputed by the concerned employee.

In the light of these facts and circumstances, we find no infirmity in the order of the learned Single Judge dated 25.04.2019 passed in CWJC No. 6824 of 2012. Accordingly, Letters Patent Appeal No. 1273 of 2019 stands dismissed.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

