

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3344 of 2017

Uma Kant Jha Son of Late Janardan Jha, Resident of Village P.O. P.S.-
Bangaon, District- Saharsa.

... .. Petitioner/s

Versus

1. The Food Corporation Of India and Ors
2. The Managing Director, Food Corporation of India, Bara Khamba Lane,
New Delhi.
3. The General Manager, Food Corporation of India, Arunachal Building,
Exhibition Road, Patna.
4. The Area Manager, Food Corporation of India, District Office, Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary
For the Respondent/s : Mr. Prabhakar Tekriwal

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 11-05-2022

Heard learned counsel for the respective parties.

In the instant petition, petitioner has prayed for the
following relief/reliefs:

*“That this is an application for
issuance of a writ in the nature of certiorari
for quashing the order bearing no. 4392
dated 06.09.2012 (Annexure 1) by which
order petitioner has been imposed the
penalty of dismissal with future of gratuity
the said penalty for illegally imposed on
same charges from which charges the
petitioner has been exonerated by the CBI
vide the final report dated 23.03.2012 itself,
with a prayer to quash the aforesaid order of
punishment imposed against the petitioner
and by quashing the same pay the petitioner*



the amount of gratuity and leave encashment which gratuity with held by the said order of penalty and the payment of gratuity and giving encashment may be paid along with the compound interest to the petitioner.”

In respect of challenge to the order dated 06.09.2012 was a subject matter before the Industrial Tribunal in Complaint No. 7 of 2013 connected with Complaint No. 1 of 2012, Kumar Madan Mohan, Assistant Grade-I (Depot) and others before the Central Industrial Tribunal No.1, Dhanbad (for short ‘CGIT’) allowed the petitioner’s complaint among other complaints.

Feeling aggrieved and dissatisfied with the award of the CGIT, Dhanbad, respondent-Food Corporation of India preferred a petition before the Hon’ble Jharkhand High Court in WP No. 2032 of 2014 and in connected matter WP(L) No. 2033 of 2014 wherein petitioner was a respondent. Hon’ble Jharkhand High Court while deciding the aforesaid petitions remanded the matters to Tribunal. Extract of the order is reproduced here under:

“Considering the aforesaid facts, Award dated 12.08.2013 is hereby set-aside and the matter is remanded to the Tribunal for a fresh consideration. The learned



counsel for the parties agree that the proceeding in all the complaint cases should commence from the stage of evidence and parties may be permitted to lead evidence, if any. Ordered accordingly. The writ petitions are allowed, in the aforesaid terms.”

In the light of the aforesaid dates and events, the present petition is not maintainable, since the Hon’ble Jharkhand High Court has already set aside the award and remanded the matter to the CGIT. The petitioner has not furnished the order of the Hon’ble Jharkhand High Court and failed to appraise factual aspects of the matter, since, matter is pending consideration before the CGIT, Dhanbad.

Accordingly, the present petition stands dismissed with cost of Rs.5000/- (Rupees Five Thousand). Cost shall be remitted in the Patna High Court Legal Services Committee, Patna within a period of two weeks from today.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2022
Transmission Date	NA

