

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1705 of 2016**

=====

Ajay Kumar s/o - Late Lal Dhari Sharma Resident of village and P.O. -  
Amhara P.S. - Bihata Distt. - Patna.

... .. Petitioner/s

Versus

1. The Food Corporation Of India and Ors
2. Executive Director East Zone Food Corporation of India 10-A Middleton  
Row Kolkata - 71.
3. General Manager Region Food Corporation of India Regional Office  
Aurnachal Building, Patna.
4. The Area Manager Food Corporation of India, District Office, Patna.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner : Mr. Mukesh Kumar No-1  
For the F.C.I. : Mr. Prabhakar Tekriwal

=====

**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**  
**ORAL JUDGMENT**

**Date : 14-07-2023**

The present writ petition is filed for following relief(s):-

*"That this application is being filed for  
issuance of writ especially in nature of Certiorari  
for quashing of order dated 24.08.2015 passed by  
the Area Manager Food Corporation of India  
District Office Patna where by and where under  
claim of the petitioner for payment of Rs./-  
14,88,836.88 (Fourteen Lac Eighty eight  
Thousand Eight Hundren Thirty Six only) against  
the work done as mandi Handling Agent at Food  
Corporation of India, Paddy Procurement Centre,  
Dumraon during the Year 2008-09 has been  
rejected.*

*For further issuance of writ in nature  
of Mandamus to directing the respondents*



*concerned to make payment of Rs/- 14,88,836.00 along with the Interest as the claim has not been cleared due to fault on the part of the respondent earlier and now the claim has been rejected merely on the technical ground.*

*For further issuance of any other writ/writs, order/orders, direction/directions for which the petitioner is legally entitled."*

2. Brief facts for the purpose of the said writ petition are that the petitioner claims to have been appointed as a "Mandi Handling Agent" at Food Corporation of India, Paddy Procurement Centre, Dumraon for the year 2008-09 and that the petitioner had raised an appeal for an amount of Rs. 14,88,836.00/- only but the same has been rejected by the authorities concerned on some frivolous and legally untenable grounds.

3. Learned counsel for the petitioner has stated that pursuant to the tender called by the Food Corporation of India, he has participated in the said tender and qualified in technical bid and thereafter he was selected as "Mandi Handling Agent" as he was lowest bidder vide order No.- 1996 dated 19.12.2008. Thereafter, the petitioner has handling the work which was intrusted to him and submitted his bills to the In-charge FCI, PPC Dumraon for forwarding the same to the Area Office but the amounts due to the petitioner was not paid. Even though the



petitioner has made several requests to the Authorities, the amounts have not being paid. Thereafter, the petitioner has approached this Hon'ble Court vide C.W.J.C. No. 4242 of 2011 and this Hon'ble Court vide order dated 22.05.2015 had disposed of the same with a direction to the petitioner to file a comprehensive representation before the Area Manager, Food Corporation of India, District Office, Patna with all supporting documents. That the petitioner has accordingly submitted comprehensive representation with necessary documents but the respondents have rejected his claim vide Letter No. Legal-30/DO PATT/CROSS/14-15-16 dated 24.08.2015.

4. Learned counsel for the petitioner has stated that the authorities concerned without considering the documents submitted by the petitioner have mechanically rejected his claim. The fact that the petitioner has been appointed as "Mandi Handling Agent" has not been disputed by the authorities concerned nor they have disputed that the petitioner is due some amounts in their counter-affidavit filed in CWJC No. 4242 of 2011 but they have rejected the representation for payment of the amounts due on legally untenable grounds and therefore, prayed this Hon'ble Court to allow the present writ petition.



5. *Per contra*, the learned counsel for the respondents have stated that the petitioner has not submitted the requisite documents in original as per the terms and conditions of the contract. That as per the terms of the Contract, the petitioner was required to submit all the bills in triplicate which are duly authenticated/ certified by the officials of the corporation but in the present case, the petitioner has submitted only xerox copies without their being any certification or authentication by the concerned officials.

6. Moreover, the petitioner has not submitted the statement relating to payment of wages made to the labourers engaged for the purpose of handling the work and respective "M" Form. It is further stated that the contention of the petitioner that he had done the work is highly suspicious as the then In-charge FCI, PPC Dumraon was terminated from services and an FIR also lodged as there was a gross omissions and emissions by the concerned officials.

7. Further, it is stated that the present writ petition is not maintainable as there are disputed questions of facts which cannot be gone into in the present writ petition. That this Hon'ble High Court sitting under Article 226 of the Constitution of India cannot issue a Writ of Mandamus directing the official respondents to pay



the bill amounts when they are disputed by the Department and, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

8. Admittedly, in the present case, the bills submitted by the petitioner pertain to the year 2009-10. Though, it is stated by the petitioner that he has been awarded the contract for the period of 2008-10. The work order given to the petitioner shows that the petitioner was granted the contract only for a period of three months from 19.12.2008. The petitioner has not placed anything on record to show that the said contract period has been enhanced for another period of six months or beyond the period of six months. When it is the specific stand of the authorities that the petitioner was obligated to submit his bills at the end of each month in triplicate that too in original duly supported by the statement relating to the payment made to the labourers who were engaged for handling work and respective "M" Form. The petitioner for reasons best known has not submitted the same instead the petitioner has submitted only the xerox copies of the bills. Even those xerox copies of the bills were not authenticated by any official of Food Corporation of India or any certification done by the authorities when the bills submitted by the petitioner are disputed and even the very work being done by the petitioner is



also being disputed, this court sitting under Article 226 of the constitution of India cannot issue a mandamus directing the official respondents to pay the amounts. It is a settled principle of law that when disputed questions of facts are there, the court sitting under Article 226 of the constitution of India cannot adjudicate the matter and issue direction, it would be appropriate for the Court to direct the aggrieved party to approach the Civil Court for redressal of his grievance. The Civil Courts are best suited to go into all disputed questions of fact which cannot be adjudicated under Article 226 of the Constitution of India.

9. Having regard to the above specified reasons, this Court does not find any merit in the present case which warrants an interference by this Court.

10. Accordingly, the writ petition is dismissed, however, leaving it open to the petitioner to avail his remedy before the appropriate Civil Court, if he so advised.

**(A. Abhishek Reddy , J)**

gauravkr/-

|                   |             |
|-------------------|-------------|
| AFR/NAFR          | NAFR        |
| CAV DATE          | N/A         |
| Uploading Date    | 25.07.02023 |
| Transmission Date | N/A         |

