

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.977 of 2019

In
Civil Writ Jurisdiction Case No.16734 of 2011

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1. The Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, Veer Chand Patel Path, Patna through its Managing Director.
 2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Veer Chand Patel Path, Patna.
 3. The Chief of Administration, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Veer Chand Patel Path, Patna.
 4. The Chief of Finance, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Veer Chand Patel Path, Patna.
 5. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Nalanda.

... .. Appellant/s

Versus

Mahendra Pratap Singh, S/o Dineshwar Prasad Singh, Resident of Vill.- Taranpur, P.S.- Gaurichak, Distt.- Patna at present Retired Assistant Manager, Bihar State Food and Civil Supplies Corporation Ltd., Nalanda.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 17-02-2023

It appears from the office notes that the sole respondent has died during the pendency of this appeal and no effort has been made by the appellant/Bihar State Food and Civil Supplies Corporation Ltd. for substituting the late appellant with his heirs.

Be that as it may, we have examined the order



passed by the learned Single Judge which clearly states that the respondent was subjected to a departmental proceeding in which three punishments were imposed on him viz. that the respondent shall not receive anything except subsistence allowance for the period of his suspension, an amount of Rs.47,848.17 which was the short-fall would be recovered along with interest and the respondent was to be warned to be careful in future. Apart from this, a further amount of Rs.1,95,480/- was to be appropriated from the salary of the respondent about which there is no dispute.

The respondent came before this Court *vide* CWJC No. 16734 of 2011 contending that 18% interest on the balance/short-fall of the amount in question was neither predicated in the order of punishment nor was it the practice. The learned Single Judge, after having gone through the entire gamut of materials placed on record, found that the order passed by the Managing Director, Bihar State Food and Civil Supplies Corporation, saddling the late respondent with 18% interest on the short-fall amount of Rs.47,848.17 was unwarranted and not sustainable in the eyes of law.



We do not find any reason to interfere with such order; more so, when the respondent has left the world of the living and there has not been any attempt on the part of the appellant to substitute him with his heirs.

The appeal is dismissed but without any order as to costs.

(Ashutosh Kumar, J)

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.02.2023
Transmission Date	

