

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6885 of 2018

=====

Ravi Bhushan Jha Son of Vidya Bhushan Jha Resident of Village-Kailashpuri
P.S.-Dumara, District-Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Development Commissioner, Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Manager, Bihar State and Civil Supplies Corporation Ltd.
Sitamarhi.
5. The Bihar State Foods and Civil Supplies Corporation Patna through its
Managing Director.
6. The Sub-Divisional Officer, Sitamarhi Sadar, Sitamarhi.
7. The Block Development Officer, Dumara, Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5
For the B.S.F.C.	:	Mr. Shailendra Kr. Singh, Adv.
		Mr. Utkarsha Utpal, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 22-07-2024

Heard learned counsel for the petitioner, learned
counsel for the Bihar State Foods and Civil Supplies
Corporation and learned counsel for the State.

2. Learned counsel for the State and Bihar State
Foods and Civil Supplies Corporation submits that in
compliance of the order dated 22.04.2024 and 19.06.2024, show
cause has been filed by both the respondents in which apology
has been served due to non-compliance of earlier orders, as well
as this fact has been inserted that required counter-affidavit
which is sufficient for adjudication has already been filed on
10.04.2024.

3. Upon perusal of the record, it transpires to this Court that it is correct that counter-affidavit has been filed on 10.04.2024.

4. In this background, let the orders dated 22.04.2024 and 19.06.2024 are hereby withdrawn, so far as the respondents are concerned.

5. The present writ application has been filed for directing the respondents to adjust the payment of the petitioner in the light of Memo No. 3 A -1 MUK-111/2017-796/Bi dated 02.02.2018 and direction be made to the respondents to make dues whereby and where under the petitioner has been employed as contractual basis since, 15.12.2011.

6. Learned counsel for the petitioner submits that the petitioner was posted as Executive Assistant in the Paddy Purchase Centre, Bathnaha on contractual basis and he was working regularly since long time. He further submits that the petitioner had worked to the satisfaction of his officials and his services was extended time to time by the order of the District Administration for Paddy Purchase Centre, Bathnaha vide Memo No. 20 dated 05.01.2013 issued by the District Manager, Bihar State and Civil Supplies Corporation Ltd, Sitamarhi. He further submits that in the year 2013-14, he was assigned new

charge. He further submits that the contractual work of the petitioner was extended for 11 months and it would be continued up to 2014 which was further extended vide letter no. 2026 dated 23.10.2015. He further submits that the petitioner has passed in the competitive examination but the authorities did not made him any permanent job. He further submits that the petitioner filed representation before the District Manager through State Food Corporation Ltd., Sitamarhi on 23.11.2016 again he filed representation before the District Magistrate, Sitamarhi on 21.12.2017 but he was not been assigned in permanent work and, therefore, he has filed the present writ petition.

7. Learned counsel for the Bihar State Foods and Civil Supplies Corporation submits that a policy decision has been taken by the Managing Director which has been annexed as Annexure-B to the counter-affidavit vide letter no. 6126 dated 28.06.2017 in compliance of the decision of the Board of Directors in which only extension of contractual services have been decided as policy level. He further submits that vide Annexure-C, his services was extended in which it has been categorically indicated that in case of unsatisfactory work, contract shall be ended. He further submits that vide

Annexure-D, letter no. 337 dated 16.03.2016, responsibility has been casted to do work but due to his work, loss of Rs. 6,32,605.90/- has been caused to the Bihar State Foods and Civil Supplies Corporation and it is due to this reason, the F.I.R. has been lodged against the petitioner. Subsequently, by virtue of supplementary counter-affidavit, it transpires that a certificate case has also been lodged being Certificate Case No. 25/2015-16 before the District Certificate Officer, Sitamarhi in which final order has been passed but the petitioner has neither complied the order passed by the Certificate Officer nor preferred appeal under P.D.R. Act and it is due to this reason, the wages from October, 2015-16 has not been paid to the petitioner and finally, vide letter no. 718 dated 06.07.2017, the services of the petitioner has been terminated.

8. Learned counsel for the State submits that still there are dues of the petitioner against the Bihar State Foods and Civil Supplies Corporation.

9. In this background, this Court is not inclined to grant any relief(s) to the petitioner, as he is in contractual service, due to his unsatisfied work, the F.I.R. has been lodged against him for recovery, P.D.R. case has also been lodged, therefore, no question of extension of service or regularization

shall arise in view of the Court. But since, the petitioner has worked before the respondents-authority (the Bihar State Foods and Civil Supplies Corporation) on contractual basis and he is entitled for payment of his dues, if any in this regard about which learned counsel for the petitioner has not made any clarification in the writ petition. As such, the present writ application stands dismissed with direction to the respondent Bihar State Foods and Civil Supplies Corporation that in case the petitioner shall file fresh representation for demand of his arrear, then authority shall calculate his arrear in accordance with law and if he is found entitled for payment, his payment shall be made within 90 days from the date of filing of the representation before the Managing Director, the Bihar State Foods and Civil Supplies Corporation.

10. With this direction, the present writ application stands dismissed with aforesaid liberty.

(Dr. Anshuman, J)

sadique/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2024
Transmission Date	NA