

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5138 of 2016

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Ashok Kumar Singh Son of Shri Late Ayodhya Singh Resident of Village-
Sarvodaya Nagar Road No. 3 PS Rupaspur district Patna.

... .. Petitioner/s

Versus

1. The Bihar State Ware Housing Corporation having its Office at B/2 First Floor, Maurya Lok Complex, P.S. Kotwali, District-Patna through its Managing Director.
2. The Managing Director , The Bihar State Ware Housing Corporation having its Office at B/2 First Floor, Maurya Lok Complex, P.S. Kotwali, District-Patna.
3. The Bihar State Food and Civil Supply Corporation Aurangabad through its Managing Director.
4. The Managing Director, Bihar State Food and Civil Supply Corporation Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanket, Advocate
For Resp nos.1 & 2	:	Mr. Mithilesh Kumar Rai, Advocate
For the BSFC	:	Mr. Shailendra Kumar Singh, Advocate
		Mrs. Silpi Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 08-04-2025

Heard Learned Counsel for the petitioner, Learned Counsel for Bihar State Ware Housing Corporation and Learned Counsel for Bihar State Food and Civil Supply Corporation.

2. The present writ petition has been filed for the following relief/s:-

“I. For quashing of the Letter No.225/भं.निं., पटना dated 02.02.2016 (annexed as Annexure-22) issued by the Respondent No.2 by which the petitioner has been asked to



deposit Rs.20,49,521/- (Twenty Lakhs Forty Nine Thousand Five Hundred Twenty One) being the cost of storage loss of 826.90 quintals of rice caused to Bihar State Ware Housing Corporation within 7 days or that money would be deducted from the salary of petitioner starting from February and rest would be deducted from service benefits.

II. For directing the Respondent no.2 not to proceed for recovery of the aforementioned amount.

III. Any other relief or reliefs for which the petitioner is found entitled in the facts and circumstances of the case.”

3. Learned Counsel for the petitioner submits that the petitioner was posted as Superintendent in Bihar State Ware Housing Corporation, Arrah (hereinafter referred to as ‘BSWHC’). Counsel submits that petitioner was incharge of a store whose physical condition was extremely poor and in this regard, his predecessors had written various letters to the officials of BSWHC with regard to the broken and damaged roofs of godown, broken tin sheets/plate, broken shutter, lack of repair of fencing/boundary wall and broken asbestos sheet of different sheds. Counsel submits that the petitioner after joining on the post of Superintendent, BSWHC, also wrote several



letters to the concerned respondent authority with regard to the status of the godown which were in dilapidated condition. Counsel submits that the storage loss has been made only due to the dilapidated condition of the godown on which the highest authority of the Warehousing Corporation has paid no heed in spite of fact that series of letters which are annexed in the writ petition has been made. And as such, petitioner alone cannot be held responsible for such storage loss. Counsel further submits that prior to issuance of Annexure-22 which is impugned here i.e. Letter No.225/भ.निं., पटना dated 02.02.2016, he has filed a representation on 22.12.2015 indicating the entire situation of the godown, but no decision has been taken by Respondent no.2 on the said representation. And instead thereof, Letter No.225/भ.निं., पटना dated 02.02.2016 has been issued in which decision for realization of Rs.20,49,521/- (Twenty Lakhs Forty Nine Thousand Five Hundred Twenty One) has been made to realize from the petitioner. Counsel submits that in addition to that, petitioner has directly written a letter to the Managing Director, BSFC, Patna in this regard, but no action has been taken. Counsel further submits that in the counter affidavit, there is no denial at all of the pleadings made by the petitioner and an evasive reply has come.



4. Learned Counsel for Bihar State Ware Housing Corporation submits that since, petitioner was Superintendent of the said godown and for any storage loss, he is responsible for the same. But in addition to that, Counsel submits that for the conduct of business, the Warehousing Corporation has framed a rule in the year 1958 namely, Bihar State Warehousing Corporation Staff Regulations, 1958 (hereinafter referred to as 'Rule of 1958'). According to the said rule, any decision taken including recovery from pay of whole or part of the pecuniary loss caused to the Corporation by the employee is an appealable decision under rule 25 of the Rule of 1958. Counsel further submits that the petitioner has moved before this Hon'ble Court without availing the said appeal which is available under the Rule of 1958.

5. Learned Counsel for Bihar State Food and Civil Supply Corporation submits that there is no direct role of the petitioner, rather, the food grains of Bihar State Food Corporation used to be kept in the godowns of Bihar State Warehousing Corporation. And therefore, it is a dispute between the petitioner and his employer.

6. After going through the pleadings, it transpires to this Court that even after repeated representations from the



petitioner and his predecessors, no response was made by the Respondent nos.2 & 4 and all of a sudden, it was directed to realize the amount from the petitioner's salary. It also transpires to this Court that respondents have not taken a decision on the representation filed by the petitioner and without taking any decision on his representation, has issued the said letter No.225/मं.नि., पटना dated 02.02.2016 in the form of a decision imposed on petitioner.

7. After hearing the parties and upon perusal of the documents filed by the petitioner and respondent, it transpires to this Court that conduct of business used to be dealt by the Bihar State Warehousing Corporation in accordance with the Rule of 1958. Section 25 of the said rule states as follows:-

“Section 25 of the Bihar State Warehousing Corporation Staff Regulations, 1958, likely pertains to the appellate remedy for employees within the corporation. It provides a mechanism for employees to appeal decisions or actions taken against them by the authority.”

8. From perusal of the said rule, it become crystal clear that the decision of the Managing Director is appealable before the Appellate Authority i.e. the Chairman, Bihar State



Ware Housing Corporation, Patna and the petitioner has filed the present writ petition for challenging the said remedy under the said forum.

9. In this view of the matter that the said decision is appealable, this Court restrain himself from passing any order on merit and hereby directs the petitioner to prefer appeal against the order of Managing Director, Bihar State Warehousing Corporation (Respondent no.2). The Appellate Authority is hereby directed to take all those points which the petitioner has raised in the writ petition as well as in his representation including the points that there were no response by the higher authority on the repeated information from the petitioner and his predecessors.

10. Till final decision taken on appeal, Letter No.225/मं.निं., पटना dated 02.02.2016 (annexed as Annexure-22) shall not be operative, if the said amount has not been realized by the respondent State Warehousing Corporation, Patna till date.

11. Petitioner is hereby directed to prefer appeal before the Chairman, Bihar State Ware Housing Corporation, Patna within 30 days and at the time of deciding the appeal, the Chairman, Bihar State Ware Housing Corporation, Patna shall



take such decision also that on the petitioner's representation, why no action has been taken by the concerned respondents and he is directed to pass a reasoned and speaking order within 90 days from the date of production of this order. Till then, Letter No.225/भं.निं., पटना dated 02.02.2016 (annexed as Annexure-22) shall not be operative if not acted upon.

12. Delay, if any in filing the appeal is hereby directed to be condoned.

13. With the aforesaid direction, the present writ petition is hereby disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	12/04/2025
Transmission Date	NA

