

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4328 of 2021

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Laxman Prasad son of Late Bansi Paswan resident of Mohalla- Pirdumariya,
Police Station - Malsalami, Patna City, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Bihar State Food and Civil Supplies Corporation Limited, Khadya Bhawan, Daroga Rai Patha, R. Block, Road No. 2, Patna- 800001.
3. The Managing Director, Bihar State Food and Civil supplies Corporation Limited, Khadya Bhawan, Daroga Rai Path, District- Patna.
4. The Chief Administration, Bihar State Food and Civil supplies Corporation Limited, Khadya Bhawan, Daroga Rai Path, District- Patna.
5. the Deputy General manager, Administration, Bihar State Food and Civil supplies Corporation Limited, Khadya Bhawan, Daroga Rai Path, District- Patna.
6. The Deputy General Manager of Claims, Bihar State Food and Civil supplies Corporation Limited, Khadya Bhawan, Daroga Rai Path, District- Patna.
7. The Chief of Finance, Bihar State Food and Civil supplies Corporation Limited, Khadya Bhawan, Daroga Rai Path, District- Patna.
8. The District Manager, Khagaria.
9. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda, Adv.
Mr. Anuj Kumar, Adv.

For respondent nos. 3, 5,
6 and 8 : Mr. Siddharth Harsh, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

14 12-12-2025

Heard learned counsel for the petitioner and learned



counsel for the respondent nos. 3, 5, 6 and 8

2. The instant writ petition has been filed for the following reliefs:-

“(i) For quashing/setting aside the order dated 15.07.2020 of Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Bihar, Patna, by which on the basis of representation of the petitioner dated 06.07.2020, the matter was heard in the light of order dated 23.06.2020 (in fact there was no direction for hearing of the petitioner upon the representation), by which it has been directed to the District Manager, Khagaria to make payment of retirement benefit of the petitioner after adjustment of advance amount which is due against the petitioner which is Rs. 6,96,766/- (Rs. Six lacs Ninety-Six Thousand Seven Hundred Sixty-Six).

For further quashing/set aside the order by which the District Manager, Bhagalpur has been directed to take final decision about the adjustment of advance money and communicate it to the District Manager, Khagaria within 15 days.

(ii) For further quashing/set aside the consequential order of District Manager, Bihar State Food and Civil Supplies Corporation Limited, Bhagalpur, contained in Memo No. 1050 dated 25.07.2020, by which several false allegation has been levelled against the petitioner and rejected the bill on the basis



of some papers (photo copies of bill) provided by the petitioner has been rejected and said that it cannot be adjusted and further the claim of the petitioner has been rejected, failing to consider that the petitioner has earlier submitted bills and all required documents before the respondents upon which no order has been passed.

(iii) For further quashing/set aside the 'No Objection Certificate' issued by District Manager, Bihar State Food and Civil Supplies Corporation Limited, Bhagalpur contained in Memo No.1051 dated 25.07.2020, by which it has been illegally decided for recovery of Rs. 6,96,766/- (Rs. Six Lacs Ninety-Six Thousand Seven Hundred Sixty-Six) and further decided the date of advance will be 20.11.2004.

(iv) For further partly quashing/set aside the order of Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Patna by which it has been decided for adjustment of advance amount of Rs. 6,96,766/- (Rs. Six Lacs Ninety-Six Thousand Seven Hundred Sixty-Six) from the retirement benefit and the District Manager, Khagaria has been directed to adjust the same amount and thereafter, the rest amount paid within 10 days to the petitioner.

(v) For quashing/set aside the ex-parte and illegal order contained in Letter No. 6466 dated 10.08.2020 issued under the signature of Deputy General



Manager of Claim, Bihar State Food and Civil Supplies Corporation Limited, Patna, by which it has been decided that the principal reported amount Rs. 6,96,766/ (Rs. Six Lacs Ninety-Six Thousand Seven Hundred Sixty-Six) and interest amount 32,63,640.56 (Rs. Thirty-Two Lacs Sixty-Three Six Hundred Fourty), total Rs. 39,60,406.56 (Rs. Thirty-Nine Lacs Sixty Thousand Four Hundred Six and Fifty-Six paise) is recoverable from the petitioner and it will be adjusted from the retirement benefit and the rest amount will be recovered and the same order has been communicated to the District Manager, Bihar State Food and Civil Supplies Corporation Limited, Khagaria.

(vi) For quashing/set aside the office order passed by the District Manager, Bihar State Food and Civil Supplies Corporation Limited, Khagaria, by which it has been decided and mentioned that after adjustment of retirement benefit which is Rs. 10,57,888/- (Rs. Ten Lacs Fifty-seven Thousand Eight Hundred Eighty-eight) against the advance amount, total Rs. 40,17,915.56 (Rs. Forty Lacs Seventeen Thousand Nine Hundred Fifteen and Fifty-six paise) is rest recovered and hence the petitioner is not entitled to get retirement benefit which is Rs. 10,57,888/- Rs. Ten Lacs, Fifty-seven Thousand Eight Hundred Eighty-eight

(vii) For further direction/directions, order/orders to the



respondents to make the payment of retirement benefit to the petitioner along with appropriate rate of interest.

(viii) For any other relief/reliefs to which the petitioner is entitled under the law.”

3. At this stage, learned counsel for the petitioner submits that for payment of retiral benefits to the petitioner with 18% interest per annum and other reliefs the writ petition was filed on the ground that even after retirement of this petitioner from the post of Godown Manager on 31.01.2018, the respondents have not paid the admissible dues to this petitioner.

4. A Coordinate Bench of this Court vide order dated 23.06.2020 in C.W.J.C. No. 3928 of 2020 has passed the following orders:-

“Considering the fact that petitioner has retired, the respondents are hereby directed to take appropriate decision with regard to claim of the petitioner, if not already taken, within a maximum period of three months from the date of receipt/production of a copy of this order alongwith the calculation chart and ensure payment thereof within the same period, failing which, the petitioner would be entitled to payment of 9% additional interest from the date of retirement of the petitioner till the date of actual payment.”



5. Learned counsel for the petitioner next submits that in compliance of the order dated 23.06.2020, the District Manager, Bihar State Food and Civil Supplies Corporation Limited, Khagaria has passed the office order, which is contained in Memo No. 1036, dated 18.08.2020.

6. It has next been submitted that direction of the Coordinate Bench of this Court was to take appropriate decision with regard to claim of this petitioner by ensuring adjudication in terms of the calculation chart, which was directed to the petitioner to produce at the time of consideration.

7. From perusal of the order passed by the District Manager, Bihar State Food and Civil Supplies Corporation Limited, Khagaria, it is not indicative that the manner in which, the consideration was directed to be carried out by the authorities, in respect of this petitioner to quantify the liability, which is said to have been done by creating liability of the amount to the tune of Rs. 40,17,950.56/-, as against the initial liability of Rs. 6,96,766/- by clubbing the applicable interest, in terms of Annexure-1, which form part of the counter affidavit, filed on behalf of respondent nos. 3, 5, 6 and 8.

8. Learned counsel for the petitioner next submits that while passing the order, the circular of the Corporation, which is



said to be issued by the Managing Director of the Bihar State Food and Civil Supplies Corporation Limited, to all the District Manager of the Bihar State Food and Civil Supplies Corporation Limited, wherein it has categorically been stated that in case, the adjustment of the vouchers submitted by the employees is not passed/adjusted within one month, then such vouchers will be treated to have been passed and on the strength of such letter dated 27.05.1994, the petitioner submits that the adjustment, which has been made by the respondent no. 8, is also not in consonance with the circulars issued by the Corporation themselves.

9. At this stage, learned counsel for the petitioner has further submitted by taking this Court to the order dated 24.11.2009, passed in the case of ***Bihar State Food and Civil Supplies Corporation Vrs. Durga Prasad Sinha*** in ***Civil Appeal No. 3504 of 2007*** that the Hon'ble Apex Court has held that before fastening any liability, the proceedings for quantification is required to be carried out, which is pre-conditions for making such adjustment or recovery from the employees, but in the present case for ulterior reasons and for the reasons best known to the authorities, the requirements as directed by the Hon'ble Apex Court, has been violated.



10. On the other hand, learned counsel representing Bihar State Food and Civil Supplies Corporation Limited submits that the liability has been fastened after carrying out the formalities, which was directed by this Court and in terms of the circular dated 21.05.2019, the interest has been clubbed with the original amount of loan and accordingly by calculating the interest since 2004, the liability amount of Rs. 40,17,950.56/- has been arrived in and, therefore, there is no infirmity in such quantification.

11. On being confronted with the findings, which is said to have been arrived with respect to the vouchers, which are said to have been submitted and the same have been found to be forged and same have been said to be defective without any cogent reasons and by referring to the impugned order, the learned counsel has not been able to show the procedures adopted for classifying such bills to fall within the category of forged and defective, which has been the prime reasons for further liability in question.

12. Considering the submissions of the rival parties and perusing the impugned order, it is quite evident that merely by making stipulations in the order dated 18.08.2020 of certain bills being defective and other bills to be forged, there is no



other materials to suggest, as to how, such conclusion has been arrived by the authorities, while they were entrusted to undertake such exercise of deciding the claim of this petitioner. Taking cue from the Judgment of the Hon'ble Apex Court in Durga Prasad Sinha (supra) and as also the principles which governs the making to recovery of the amount of such nature, this Court is of the view that there has been a fragrant violation of principles of natural justice and there has not been a categorical finding recorded by the District Manager, Bihar State Food and Civil Supplies Corporation Limited, while arriving to the conclusion of fraud and defects in the bills and as also violating the circulars issued by the Managing Director of Bihar State Food and Civil Supplies Corporation Limited, appended with the writ petition as Annexure-4, the impugned order has been passed, which is accordingly set aside.

13. Consequently, the District Manager, Bihar State Food and Civil Supplies Corporation Limited is directed to verify each and every bills, which is said to have been submitted, by allowing this petitioner to have his say over the same and giving full opportunity of hearing by fixing a date with proper communication, the decision in terms of order dated 23.06.2020 is required to be passed within a period of two



months from the date of representation with supportive materials for adjudication and on finding the petitioner entitled to pension and pensionary benefits, the entire amount for which the petitioner is found entitled on adjudication, the same shall be paid to him within a period of six weeks thereafter.

14. Accordingly, the instant writ petition is allowed.

(Ajit Kumar, J)

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