

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4187 of 2017**

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Satish Chandra Thakur S/o Late Bisheshwar Thakur Resident of Village-  
Motipur P.S.-Karijain Bazar Distt.-Supoul.

... .. Petitioner/s

Versus

1. The Bihar State Ware Housing Corporation B-2 1<sup>st</sup> Floor Maurya Lok Campus, Patna through it's Managing Director.
2. The Managing Director, Bihar State Warehousing Corporation Limited, B-2, 1st Floor, Maurya Lok Comp
3. The Secretary Bihar State Patna Ware Housing Corporation B-2 1st Floor Maurya Lok Campus Patna
4. The Superintedent Bihar State Ware Houshing Corporation Chaibasa

... .. Respondent/s

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**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr. Bipin Bihari Singh, Advocate  |
|                      |   | Mr. Shyama Kant Singh, Advocate   |
| For the Respondent/s | : | Mr. Mithilesh Kumar Rai, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

9      01-07-2025                      Heard learned counsel for the petitioner and learned  
counsel for the Bihar State Ware Housing Corporation.

2. Learned counsel for the petitioner submits that the present writ petition has been filed for quashing of Memo No. 277 dated 17.02.2017 passed by Managing Director, Bihar State Ware Housing Corporation, Patna whereby and where under petitioner is directed to pay Rs. 32,18,576/- against the loss occurred at Chaibasa Centre.

3. Learned counsel for the Bihar State Warehousing Corporation raised preliminary objection and submits that, by virtue of the counter affidavit, the Warehousing Corporation Act



along with the Bihar State Warehousing Corporation (Staff) Regulation, 1958, has been annexed as Annexure 3 and Annexure 4. He further submits that Rule 25 of the Staff Regulation indicates a provision for appeal, and therefore, he submits that the petitioner has moved before this Hon'ble Court directly without exhausting the remedy of appeal. As such, the petitioner be directed to prefer an appeal first.

4. In light of the submissions made above, it transpires to this Court that the Bihar State Warehousing Corporation (Staff) Regulation has been framed as a subordinate legislation by virtue of Section 54(i) of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (No. 28 of 1956), wherein Sections 25 and 26 state as follows:—

*25. Appeals:*

*(1) Every employee shall be entitled to appeal against any order imposing any penalty specified in Regulation 21.*

*(2) An appeal shall lie:*

*(a) Where the order imposing the penalty is made by the Managing Director, to the Chairman.*

*(b) Where the order imposing the penalty is made by the Executive Committee to the Board of Directors.*

*(c) No appeal shall lie against any*



*order of the appellate authority, or of the Board of Directors.*

*26 Contents of appeal:*

*(1) Every appeal preferred under these Regulations shall contain all relevant statements relied upon by the appellant and shall be complete itself.*

*(2) An appeal shall not be couched in disrespectful improper language. If so couched, the appellate authority return the appeal to the appellant and allow him an opportunity to submit not contain any disrespectful or improper language.*

5. In light of the statutory provisions laid down, the petitioner ought to prefer an appeal before the Chairman, as it is indicated that the order imposing penalty made by the Managing Director is challengeable before the Chairman.

6. It also transpires to this Court that, vide Rule 28 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956, a time period of one month has been prescribed for preferring an appeal against the imposition of penalty.

7. Considering the said provisions, the present writ petition stands disposed off with a direction to the petitioner to avail the remedy of appeal as laid down under Rule 25 of the



Agricultural Produce (Development and Warehousing)  
Corporations Act, 1956, before the Chairman within 30 days  
from today.

8. It is made clear that delay, if any, in filing the  
appeal is hereby directed to be condoned.

**(Dr. Anshuman, J.)**

Aman Kumar/-

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