

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11390 of 2024

Sanjay Kumar Singh Son of Sri Bir Bahadur Singh, resident of Dilawarpur Govardhan, Police Station-Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

1. The Bihar State Food and Civil Supply Corporation Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna through its Managing Director.
2. The Managing Director, The Bihar State Food and Civil Supply Corporation, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
3. The General Manager (Modernization), The Bihar State Food and Civil Supply Corporation, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
4. Deputy General Manager (Modernization), The Bihar State Food and Civil Supply Corporation, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
5. The District Manager, Bihar State Food and Civil Supply Corporation Ltd., Vaishali.
6. The IT Manager 4 (G), The Bihar State Food and Civil Supply Corporation, Khadya Bhawan, Daroga Rai Path, R. Block, Road No. 2, Patna.
7. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
8. The District Magistrate, Vaishali.
9. The Block Supply Officer, Goraul, District-Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Adv.
	:	Mr. Ujjawal Bhushan, Adv.
For BSFC	:	Mr. Shailendra Kumar Singh, Adv.
	:	Mrs. Shiqli Singh, Adv.
	:	Mr. Utkarsh Utpal, Adv.
	:	Mr. Ayush Kumar, Adv.
For the Respondent/s	:	Mr. Standing Counsel (8)
	:	Mr. Sanjay Kumar, AC to SC8

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 09-05-2025

Heard the learned counsel for the parties.

The present writ petition has been filed for the following

relief(s):-



“(I) For quashing the office order contained in memo no. 1318 dated 17.02.2024 issued under the signature of the General Manager (Modernization) Bihar State Food & Civil Supply Corporation Ltd. (hereinafter to be referred as corporation), whereby and where under it has been directed to recover five times of the market rate of the deviated food grains carried through Truck No. BR31GA0981 from the petitioner without appreciating the fact that the food grains in question had reached its destination without any shortage and the concerned dealer has distributed the same to the beneficiaries. The deviation of the food carried through Truck No. grained BR31GA0981, mentioned in the impugned order has been alleged due to some discrepancy in the tracking device, which happened due to glitch in network and the same is quite common and beyond the control of the petitioner.

(II) For quashing the consequential office order contained in memo no. 332 dated 04.03.2024 and letter no. 780 dated 26.06.2024 issued under the signature of District Manager, Vaishali whereby former the petitioner has been directed to deposit a penalty of Rs. 25,49,675/- for alleged deviation of food grain carried vide truck no. BR31GA0981 and by later the petitioner has been reminded to deposit the said amount within three days.

(III) for directing the respondent corporation to release the amount of Earnest Money Deposit (EMD) to the tune of Rs. 5,00,000/- and further direct them to pay the pending bill to the tune of Rs. 19,88,884/-, which are being withheld arbitrarily since the tenure of the petitioner as Transport Contractor, Door Step Delivery (DSD) has come to end on January 2024 after granting extension twice.

(IV) For any other relief/reliefs, this Hon'ble Court may find fit and proper, in the facts and circumstances of the present case.”

3. It is the case of the petitioner that he has been

entrusted with the work of transporting the food grains under the

Door Step Delivery scheme (DSD).



4. Learned counsel has stated that the petitioner has been doing his work without any complaint from any quarters. That on 17.02.2024 vide Memo No. 1318, the petitioner has received the impugned order imposing five times penalty for deviation of the designated routes. Learned counsel has stated that the food grains which were given to the petitioner were delivered at the designated places and there was absolutely no deviation of the route as alleged. Learned counsel has stated that due to the malfunctioning of the tracking device, the authorities were under the mistaken impression that the petitioner had deviated the routes. Learned counsel has stated that there is no allegation of any misappropriation of the grains or that the grains were delivered late. That the delivery of the goods were within the time limit and the grains were delivered intact at the place of destination. That there is no justification by the authorities for imposing five times penalty on the petitioner. Learned counsel has stated that the authorities have deducted the penalty amount from the transport bills of the petitioner and, therefore, a direction may be given to the authorities to refund the same. Learned counsel for the petitioner has relied on the judgments passed by this Hon'ble Court in CWJC No. 4178 of 2020 dated 19.02.2024 & LPA No. 454 of 2024 dated 03.12.2024.



5. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition and stated that the petitioner may approach the MD for redressal of his grievance by way of a representation/ appeal. Further, it is stated by the counsel for the respondent that the petitioner has already filed a representation before the Managing Director and therefore, the present writ petition is not maintainable. Learned counsel has stated that the impugned order is in consonance with the terms and conditions of the agreement entered between the parties and there is no illegality or perversity in the impugned order. Learned counsel has therefore, for dismissing the present CWJC.

6. A perusal of the impugned order reveals that the authorities have imposed the penalty of five times on the ground that the petitioner has deviated the route. Admittedly in this case, the petitioner was entrusted with the work of transporting the grains to the four FPS. It is not denied by the authorities that the said delivery of the grains was within the time and that there was no shortage in the delivery of the grains which were entrusted to the petitioner, the only allegation against the petitioner is that he has taken a deviation of the route. The contention of the petitioner that there was a malfunction in the GPS tracking device and,



therefore, the movement of the vehicle was not recorded and the authorities appeared to be under the impression that there was deviation in the route appears to be true and plausible. Further, it is to be noted that it is not the case of the authorities that the petitioner had taken any extra time for delivering the grains, the goods were delivered on the same day as evident from the statement of the four FPS dealers.

7. This Hon'ble Court in CWJC No. 4178 of 2020 dated 19.02.2024 has held as under;

"That even in respect of administrative order, the giving of reasons is one of the fundamentals of good administration. In Alexander Machinery (Dudley) Ltd. v. Crabtree, (1974) LCR 120 : 1974 IRL P 56, it was observed as follows :

" Failure to give reasons amounts to denial of justice". Reasons are live links between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at". Reasons substitute subjectivity by objectivity. The emphasis on recording reasons is that if the decision reveals the "inscrutable face of the sphinx", it can, by its silence, render it virtually impossible for the Courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system, reasons at least sufficient to indicate an application of mind to the matter before Court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking out. the "inscrutable face of a sphinx"



is ordinarily incongruous with a judicial or quasi-judicial performance.””

8. Further, this Hon’ble Court in LPA No. 454 of 2024 dated 03.12.2024 has held as under;

“9. The inquiry conducted by the Corporation itself indicated that there was no fault in the GPS and that it was due to the weak signal, that the vehicle had gone offline on many occasions. True, if there is any tampering with the GPS itself, then there could be a penalty imposed, but even in such circumstances, it cannot be related to the value of the goods, when it has been proved that there is no pilferage of goods and the entire goods transported has been off-loaded at the site of the PDS distributor or the godown of the Corporation itself.”

9. Having regard to the same, the impugned orders dated 17.02.2024, 04.03.2024 & 26.06.2024 are set aside, the authorities are directed to refund the amounts deducted towards the five times penalty as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above direction, the present writ petition stands allowed to the extent indicated above.

(A. Abhishek Reddy, J)

Ayush/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.05.2025.
Transmission Date	NA

