

(2019) 07 PAT CK 0042

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 4136 Of 2017

Ramjee Prasad

APPELLANT

Vs

Bihar State Food And Civil Supply And Ors

RESPONDENT

Date of Decision : 04-07-2019

Acts Referred:

Citation : (2019) 07 PAT CK 0042

Hon'ble Judges : Shivaji Pandey, J

Bench : Single Bench

Advocate : Bishnu Kant Dubey, Shailendra Kumar Singh, Ranjit Sinha

Final Decision : Dismissed

Judgement

No one appears on behalf of the petitioner. Learned counsel for the Bihar State Food and Civil Supplies Corporation Limited and learned counsel for the Employees Provident Fund Organization are present.

In the present case, the grievance has been raised about the payment of salary for the period from 01.11.2013 to May, 2016, which has been denied to the petitioner on account of defalcation of wheat and C.M.R. that comes to Rs.27,75,176/-.

The petitioner has challenged the manner the order has been passed for recovery of the amount and this Court vide order dated 16.04.2019, directed the Bihar State Food and Civil Supplies Corporation (for short "the B.S.F.C.") to bring on record in what manner they have arrived to a finding of defalcation of the said amount and its recovery. In pursuance of the said order, a supplementary counter affidavit has been filed by the B.S.F.C., wherein it has been stated that the petitioner had defalcated the food-grains amounting to Rs.27,75,176/-, whereafter he was issued the show-cause vide letter no.410 dated 29.03.2019, wherein the details have been made about the commission of defalcation of the amount of wheat and C.M.R. and that has not been replied by the petitioner and finally the order has been passed for recovery of the said amount of

Rs.27,75,176/- under the Public Demands Recovery Act on the basis of the terms of letter of appointment, wherein it has been mentioned that the employee will have to enter into the agreement with respect to recovery of the amount under the Public Demand Recovery Act. Clause-4 of the appointment letter provides that in the event of defalcation, the B.S.F.C. will be at liberty to recover the defalcated amount under the Public Demands Recovery Act.

In such view of the matter, the claim of the petitioner for salary from 01.11.2013 to May, 2016 is rejected as this Court does not find any merit in this writ petitioner. Accordingly, this writ petition is dismissed.