

**JUSTICE UDAY SINHA JUDICIAL INQUIRY COMMISSION**

12-13, Back Hardinge Road, Patna-800001

**Case No. /Vai/Jan 83//16**

**Hadees Mian**

**Vrs**

**State of Bihar**

For the Petitioner	-	
For the Commission	-	Mr Binod Jee Verma, Spl PP Mr Arup Kr Chongdar, Spl PP
For the State	-	Mr K.K. Mishra, Spl PP

**ORDER**

**23/11/2016**

PDS dealer Hadees Mian is present. BDO, Jandaha, Raj Kumar Singh, the then Mukhiya and Umesh Kumar, the then Panchayat Secretary of Boraha urf Rasoolpur Ghaus Panchayt are also present.

We have heard all of them at length. Question is of lifting of rice on two occasions under permits for 40 quintals and 41.90 quintals of rice on 15/06/06 and 30/05/06 respectively. Proceeding was initiated against Hadees Mian for recovery of value of 81.90 quintals of rice. Hadees Mian appeared before us and stated that it is true that he had lifted the rice but Mukhiya came and had given him two permits and lifted the rice under both the permits.

We therefore, summoned the Mukhiya Raj Kumar Singh and Panchayat Secretary Umesh Kumar. Mukhiya appeared before us and denied having lifted the rice under the two permits. We have heard all the three; Hadees Mian, Raj Kumar Singh and Umesh Kumar. Their statements have been recorded.

We found that the two receipts of lifting which have been signed by the Mukhiya cannot be termed as permits because they do not bear the endorsement of an executive agent i.e. Panchayat Secretary whereas all other permits issued by Mukhiya bear the signature of Panchayat Secretary and the name of Panchayat Secretary as executing agent.

In that view of the matter, Mukhiya has failed to establish that he has not lifted the grains. We are of the view that Mukhiya is liable to pay for the two

