IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4405 of 2015

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T.P. Vasanthy wife of Late C.C. Sreedharan resident of Mohalla - Nehru Nagar, 307, P.O. & P.S. - Patliputra, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna - 800001.
2. The Chief Electoral Officer, State Election Commission, Govt. of Bihar, 7, Sadar Patel Marg (Maggells Road), Patna - 800015.
3. The Principal Secretary, Sugar Cane Department, Govt. of Bihar, Patna - 800001.
4. The Bihar State Sugar Corporation Limited, Patna through its Managing Director, Arunalaya, Ramkaipal Nagar, Bailey Road, Patna.
5. The Cane Commissioner-cum-Managing Director, Bihar State Sugar Corporation Limited, Arunalaya, Ramkaipal Nagar, Bailey Road, Patna.
6. The Chief Administration, Bihar State Sugar Corporation Limited, Arunalaya, Ramkaipal Nagar, Bailey Road, Patna.
7. The Commissioner, Employees Provident Fund (EPF), Serpentine Road, Patna - 800001.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Prem Kumar Jha, Adv.
For Respondent No.2 : Mr. J.P.Karn, Sr.Adv.
Mr. Siddhartha Prasad, Adv.
For the Sugar Corporation: Mr. Gyan Shankar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL ORDER

2 31-03-2015 Heard learned counsel for the parties.

2. The prayer of the petitioner in this writ application reads as follows:

> "(i) For issuance of appropriate writ/s, direction/s and order/s commanding and directing the respondents concerned for making payment of retirement benefits to the petitioner within a fixed point of time with permissible interest for delayed period. The following retirement benefits are given below:-
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> (a) Annual increment including w.e.f. Feb.1999 (i.e. the date when the petitioner sent on deputation) and its

resultant D.A. and H.R.A.

(b) Earned leave w.e.f. Feb.,1999 till the date, the petitioner discharged her duty on 26.6.2014 by way of setting aside the memo no. 4836 dated 28.5.2014 issued under signature of Joint Secretary, office of Chief Electoral Officer, Bihar, Patna

(c) Provident fund contribution at the rate of 12% on basic pay, its connected D.A. and its matching share by the State Election Commission/ Department w.e.f. Feb.,1999.

(d) Retirement benefits to be paid by the Employee Provident Fund (respondent no.6) but the same is pending due to non-deduction of Provident fund at the rate of 12% and its matching share/ contribution by the State Election Department/ Commission.

(e) Benefit of revised pay scale on the basis of 5^{th} (w.e.f. 1.4.1997) and 6^{th} (w.e.f. 1.4.2007) Pay Revision Committee Report whereas similar other employees have been paid their retiral dues on the basis of such scale.

And/or

For issuance of appropriate writ/s, direction/s and order/s commanding and directing the respondents concerned specially respondent no.2 to allow the petitioner in service on deputation till she attains the age of her retirement as on 31.7.2015 like other similarly situated employees of the Corporation working in different Govt.'s departments on deputation."

3. Let it be noted that the prayer No.(i)(a),(b) and (e) cannot be said to be retirement benefit and therefore, it would be open for the petitioner to approach the appropriate forum/court for claiming those reliefs.

4. Reverting back to rest of the two prayers in paragraph no.(i)(c) and (d) there is no dispute that the petitioner is an employee of the Bihar State Sugar Corporation and was serving the office of the Chief Electoral Officer, Bihar only on deputation basis. Thus, the two retirement benefit, namely, provident fund or some other retirement benefit as per terms and conditions of the exit plan finalized for the Bihar State Sugar Corporation has to be paid only by the Sugar Corporation.

5. The only submission which has to be noticed by this Court is that if certain deductions were made from the salary of the petitioner and was sought to be deposited with the employer of the petitioner, the Bihar State Sugar Corporation and if the same has not been done so by the office of the Chief Electoral Officer, the same must be done within a period of one month from the date of receipt of this order so that whatever retirement benefit to the petitioner has to get from the Bihar Sugar Corporation must be paid by the Sugar Corporation. If any query made by the Bihar State Sugar Corporation in this regard including one as contained

in Annexure 8 has still unanswered by the office of the Chief Electoral Officer, the same must be immediately responded so that the retirement benefit could be finalized and paid with the aforesaid period.

6. While asking the Sugar Corporation and the Chief Electoral Officer to do the needful in this regard this Court has also taken note of the submission of the learned counsel for the Sugar Corporation that whatever amount was payable to the petitioner under exit plan has already been paid. Thus, now the Sugar Corporation is now to make payment of only the amount which the petitioner is entitled as per package or according to the terms and conditions of the employment with the Sugar Corporation and in that any detail of contribution available with the office of the Chief Electoral Officer must be made known so that Sugar Corporation can discharge its obligation in accordance with law.

7. The payable amount of Employees Provident Fund lying with respondent no.7 also must be paid to the petitioner and if any further information in this regard is required either from the office of the Bihar State Sugar Corporation or from the office of the Chief Electoral Officer, the same also must be furnished to respondent no.7 for an early payment of the amount of E.P.F.

8. With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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