

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10005 of 2015

Ashok Kumar Jha, son of Ambika Prasad Jha, present resident of village + P.O.-
Kakraul, Via- Rahika, Police Station- Rahika, District- Madhubani (Bihar).

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Deputy Secretary, Department of Food, Supply and Commerce, Government of Bihar, Patna
4. The President, District Consumer Protection forum, Madhubani
5. The Collector, Madhubani
6. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Bir Chand Patel Path, Patna
7. The Accountant General, Bihar, Birchand Patel Path, near R.Block, Patna

.... Respondents

Appearance :

For the Petitioner : Mr. Rajendra Lal Das, Advocate
For the State : M/s. Ajay Behari Sinha, S.C.19 and
Suryakant Kumar, A.C. to S.C.19
For Respondent No. 7: Mr. Satish Chandra Jha, Advocate
For BSFC : Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 16-07-2015

Heard learned counsel for the petitioner, the State and
the Accountant General, Bihar.

Petitioner claims that he joined service as a Lower
Division Assistant in the Bihar State Food and Civil Supplied
Corporation Limited (hereinafter referred to as 'the Corporation') on
30.09.1975. He was relieved from the Corporation to join the office of
the District Consumer Protection Forum, Madhubani through the
Collector, Darbhanga w.e.f. 03.06.1997. Thereafter, he was

transferred to the District Consumer Forum, Madhubani from where he retired on 30.09.2014.

The grievance of the petitioner is that he is only getting benefit of pension and other retiral benefits for the period during which he served in the State Government, i.e., from 03.06.1997 but no benefit has been given to him for the period he remained in service of the Corporation, i.e., from 30.09.1975 to 3rd June, 1997. It is contended that such service should be added and counted for the purpose of all the retiral benefits including the gratuity, leave encashment etc. Petitioner submits that he is entitled for grant of full retiral benefits such as pension, gratuity, leave encashment of earned leave etc. taking into account the total service rendered by the petitioner from 30.09.1975 to 30.09.2014 of about 39 years. It is contended that the issue is no longer *res integra* as the same already stands settled vide order dated 17.5.2013 passed in **C.W.J.C. No. 8539 of 2005 (Baleshwar Thakur & Ors. Vs. The State of Bihar & Ors.)** which has been noticed again in subsequent writ petition bearing **C.W.J.C. No. 8818 of 2011 (shri Shyam Narayan Mallik Vs. The State of Bihar & ors.)** disposed of on 15.12.2014. A Coordinate Bench of this Court has noticed and opined that the denial of consideration of entire length of service for grant of retiral dues is not only erroneous and against the decision rendered in **Baleshwar Thakur (supra)** but is also contumacious in nature. It is further submitted that ultimately the Department of Food and

Consumer Protection, Government of Bihar has issued letter to all the District Magistrates as well as the Presidents of District Consumer Forum to consider granting retiral benefit to the concerned employees in view of order dated 31.8.2000 passed in C.W.J.C. No. 12048 of 1998 but such the benefit is being denied to the petitioner.

In above view of the matter, this writ application is being disposed of with a liberty granted to the petitioner to file a fresh representation before the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna (respondent no. 2), who would be obliged to take a decision in accordance with law and also considering the various decisions of this Court rendered in writ applications mentioned above within a period of 8 weeks from the date of filing of such representation along with a copy of this order. If some payment is required to be made to the petitioner in view of the decision taken by the respondent no. 2 then necessary sanction order should be passed and the matter should immediately be forwarded to the Accountant General, Bihar so that the benefit could be given to the petitioner within a period of further six weeks.

(Dr. Ravi Ranjan, J)

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