

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10367 of 2015

Prabhakar Jha, son of Late Mahavir Jha, permanent resident of Village + P.O.-
Phent, Police Station- Basopatti, District- Madhubani, at present resident of
Mohalla- Vidyapati Nagar (Chakdah), South of D.N.Y. College, Police Station-
Rajnagar, Post Office- Madhubani H.P.O., District- Madhubani.

.... 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 : M/s. Rajendra Lal Das and
Achintya Anand, Advocates
For the State : Mr. Arvind Kumar II, S.C.17
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 Clerk in the
Bihar State Food and Civil Supplied Corporation Limited (hereinafter
referred to as 'the Corporation') on 20.05.1974. He was relieved from the
Corporation to join the office of the District Consumer Protection Forum,

Madhubani through the Collector, Madhubani w.e.f. 24.09.1997. Thereafter, he was transferred to the District Consumer Forum, Madhubani from where he retired on 31.10.2011.

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 10.04.1997 but no benefit has been given to him for the period he had remained in service of the Corporation, i.e., from 20.05.1974 to 10th April, 1997. It is contended on behalf of the petitioner 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 him from 20.05.1974 to 31.10.2011 of about 37 years 5 months. It is urged that the issue is no longer *res integra* as the same already stands settled vide a decision dated 17.5.2013 rendered in **C.W.J.C. No. 8539 of 2005 (Baleshwar Thakur & Ors. Vs. The State of Bihar & Ors.)**. The aforesaid decision has again discussed 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 making an observation that the denial of consideration of entire length of service for grant of retiral dues is not only erroneous and contrary to the decision rendered in **Baleshwar Thakur (supra)** but is also contumacious in nature. It is further submitted that the Department of Food and Consumer Protection,

Government of Bihar had also issued letter addressed 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 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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