

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No 10 of 2015

IN

Civil Writ Jurisdiction Case No 3297 of 2011

- =====
1. The Bihar State Food and Civil Supplies Corporation through the Managing Director Sone Bhawan, 5th Floor Birchand Patel Marg, Patna
 2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor Birchand Patel Marg, Patna
 3. The Chief of Claims, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor Birchand Patel Marg, Patna

.... Appellant/s

Versus

- 1 Jagat Narayan Shukla, son of late Ganesh Shukla, resident of Village – Pakrihar, PO – Tikulia, PS – Chanpatia, District – West Champaran
- 2 The State of Bihar through the Principal Secretary, Department of Food & Civil Supplies, Government of Bihar, Patna
- 3 The Regional Commissioner, Employees Provident Fund, Muzaffarpur
- 4 The Assistant Commissioner, Employees Provident Fund (Accounts) R Block, Road No 6, Patna

.... Respondent/s

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For the Appellant/s : Mr Amrendra Narayan Rai, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 10-09-2015

Heard learned counsel for the appellants. Delay in filing the appeal is condoned.

2 IA No 20 of 2015 stands disposed of.

3 Heard the learned counsel for the appellants for final disposal of this Letters Patent Appeal at this stage itself.

4 The writ petitioner, who is the contesting respondent in this appeal, had been employed by the Bihar State Food and Civil Supplies Corporation Limited as far back as in 1975. As a condition of his employment, he was required to deposit, by way of security, Rs

5,000/- which was to be refunded to him upon his superannuation alongwith interest of 10% per annum. The writ petitioner superannuated but inspite of that for this paltry amount of Rs 5,000/- and the interest accrued thereon, he was forced to move this Court.

5 During pendency of the writ petition, counter affidavit was filed stating that refund of Rs 5,000/- has been sanctioned and interest is being calculated. That was a clear admission that nothing had been paid as and when it was due.

6 The Writ Court allowed the writ petition with direction that the amount be refunded alongwith interest as per the terms of the deposit itself. For the frivolous litigation forced upon the writ petitioner, Court further awarded a cost of a sum equal to the amount liable to be refunded. It is against this that this appeal has been filed. We find that not only the Corporation forced a frivolous litigation, it had filed a frivolous appeal. No one from the Corporation has to pay cost from his pocket.

7 We, therefore, dismiss this appeal with a cost of Rs 10,000/- (Rupees Ten Thousand) to be deposited immediately in the account of the petitioner preferably within a period of fortnight from today.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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