

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10033 of 2011

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Manju Devi W/O Widow of Late Nand Kishore Prasad Resident of Village-Tetua, P.O.+P.S.-Atri, District-Gaya Presently Residing at C/O Shri Ram Chandra Singh (Munim Jee) Shanti Kutir, Village-Rampur, P.S.-Buniyadganj, District-Gaya, Pin-823003.

.... Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Bihar State Food & Civil Supplies Corporation Ltd. At. Fifth Floor, Sone Bhawan, Birchand Patel Path, Patna.
3. The District Manager, Bihar State Food Civil & Civil Supplies Corporation Ltd. Madhubani.
4. The State of Jharkhand through its Chief Secretary Government of Jharkhand Ranchi.
5. The Managing Director, Jharkhand State Food & Civil Supplies Corporation Ltd. Ranchi.
6. The District Manager, Jharkhand State Food & Civil Supplies Corporation Ltd. Jamtara, District-Dumka Jharkhand.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 07-08-2015

Heard learned counsel for the parties.

The present writ application is directed against the order dated 22.02.2011 passed by the Managing Director, Bihar State Food and Civil Supplies Corporation Limited contained in Memo No. 1456 dated 22.02.2011 by which an order has been passed by the respondents to adjust an amount of Rs. 1,71,846/- from gratuity and unutilized earned leave and any payment due to the late husband of the petitioner and further for recovery of Rs. 8,78,583.10/- by filing money suit against the heirs of late husband of the

petitioner.

The brief facts of the case are that the petitioner's husband died in harness on 24.12.2002. It appears that there has been some charges against him and some recovery was also made from him while he was in service. However, after his death when the petitioner was not paid retiral dues, she moved this Court in C.W.J.C. No. 16717 of 2010 in which by order dated 04.10.2010, a direction was given for filing of representation before the concerned authority. It appears that pursuant to the filing of such representation, the present order which is impugned herein has been passed.

Learned counsel for the petitioner submits that after the death of the petitioner, no notice was given to the heirs with regard to any outstanding dues which may have been standing in the name of the deceased employee and in fact even in the writ petition before the Court no such stand was taken. It is submitted that only when the petitioner filed a representation, the respondents seem to have become wiser and have started digging up materials to somehow defeat her claim.

Learned counsel for the State as well as the Corporation is not in a position to show that any show cause was ever issued to the petitioner to explain with regard to any misappropriation or defalcation alleged to have been made by

the deceased employee. It is further not explained as to how for some alleged misconduct relating to defalcation, for which till date no proceeding has been started in accordance with law, the heirs can be made liable.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court finds force in the submissions of learned counsel for the petitioner and finds that the impugned order cannot be sustained. Accordingly, the writ application stands allowed. The order impugned contained in Memo No. 1456 dated 22.02.2011 passed by the respondent no. 2 stands quashed. The respondents are directed to release the admitted dues of the late husband of the petitioner within eight weeks from a copy of the order being served on respondent no. 3.

(Ahsanuddin Amanullah, J.)

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