

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6983 of 2010

=====

Madhu Kant Jha S/O Late Upendra Nath Jha R/O Road No. 6, Rajiv Nagar,
P.S. Digha, P.O.- Keshri Nagar, Patna-800024

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary-Cum-Commissioner,
Department Of Water Resources, Govt. Of Bihar, Sinchai Bhawan,
Patna
2. Bihar State Construction Corporation Ltd., through its Managing
Director, Khawaja Imali, Anisabad, Patna-800002
3. Managing Director, Bihar State Construction Corporation Ltd.,
Khawaja Imali, Anisabad, Patna-800002
4. The Technical Secretary-Cum-Incharge Secretary (Administration),
Bihar State Construction Corporation Ltd., Khawaja Imli, Anisabad,
Patna-800002

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nishi Nath Ojha, Advocate

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

10 05-01-2015

Heard learned counsel for parties.

The petitioner has sought payment of his retrial dues
pursuant to his superannuation on 30.06.2007.

Learned counsel for the petitioner submits that he has not been paid his retrial benefits though in the case of some other employees the same has been done.

Counter affidavit has been filed on behalf of the respondent Bihar State Construction Corporation Limited (hereinafter referred to as the 'Corporation') in which the stand is that the petitioner is entitled for his bona fide dues and other emoluments but due to financial crunch the same has not been paid.

The Court finds such stand of the Corporation to be very vague as specific figures have not been given and only a bald statement has been made with regard to the petitioner being entitled to his bona fide dues and other emoluments.

Learned counsel for the petitioner has also referred to various orders of the Court directing for payment of retrial dues of persons similarly situated to the petitioner who have superannuated from the same Corporation.

Upon considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court is also inclined to take same view as in the case of similarly situated persons. Accordingly, the application stands disposed off with direction to the respondents no. 2, 3 and 4 to make payment

of the admitted retrial dues of the petitioner within a period of eight weeks from the date of production/receipt of a copy of this order upon respondent no. 3. In case, the order is not complied with, the payment of salary of respondent no. 3 will be stopped. Further, non-compliance of the order within the time stipulated will entitle the petitioner to interest of 9 per cent per annum on the dues to be calculated with effect from the expiry of eight weeks from the date of the order of the Court being produced before the respondent no. 3.

(Ahsanuddin Amanullah, J)

Anjani/-

U			
---	--	--	--