

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.514 of 2012
IN
Civil Writ Jurisdiction Case No. 970 of 2003**

- =====
1. The Bihar State Food and Civil Supplies Corporation through the Managing Director Sone Bhawan, Birchand Patel Marg, Patna
 2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna
 3. Chief of Administration, Bihar State Food And Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna
 4. Chief of Claim Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna
 5. Chief Of Finance, Bihar State Food And Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna

.... Respondents- Appellants

Versus

Lalan Singh S/O Late Baidya Nath Singh R/O Village & P.O.- Madhopur, P.S.- G.B. Tarwara, District-Siwan

.... Writ Petitioner-Respondent

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Appearance :

For the Appellant/s : Mr. R S Pradhan, Sr. Advocate
Mr. Amarendra Nath Rai, Advocate
For the Respondent/s : Mr.

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE GOPAL PRASAD**
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 16-01-2015

This Letters Patent Appeal has been filed against the order of the learned Single Judge dated 5.3.2012 passed in CWJC No. 970 of 2013 by which the appellant-Corporation has been directed to refund the amount of interest deducted from the retirement benefits of the petitioner.

The sole respondent was functioning as Assistant Godown Manager in the appellant-Corporation since 1975. During his tenure, shortage of stock was noticed from time to time. The cost of

the deficit stock was recovered. When the respondent was about to retire, the appellants initiated proceeding for recovery of interest on the amount representing cost of deficit stock @ 18% per annum. On representation submitted by the respondent, the rate of interest was reduced to 6% per annum. The amount so determined was also recovered from the retirement benefits of the respondent. Hence he filed the writ petition.

The learned Single Judge allowed the writ petition through the order under appeal. Hence, this Letters Patent Appeal.

Heard Mr. R S Pradhan, senior counsel appearing for the appellant-Corporation.

On various occasions, amounts were recovered from the respondent on the ground that shortage of stocks occurred during his tenure. At no point of time, necessity was felt to levy interest. It was not even alleged that there was any delay in recovery. There was absolutely no basis for the appellants to levy and recover interest from the retirement benefits.

Learned Single Judge has taken correct view of the matter and we are not inclined to interfere with the order under appeal. The appeal is accordingly dismissed.

Interlocutory Applications shall stand disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Gopal Prasad, J)

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