IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 5645 of 2012

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Chandeshwar Prasad Singh S/o Shri Chandrika Prasad Singh Resident of Village + Post- Ram Krishna Dubiyahi, Via Gidha, P.S.-Saraiya, O.P.- Jaintpur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Old Secretariat, Patna.
3. The Principal Secretary Panchayati Raj Department, New Secretariate Vikash Bhawan, Patna.
4. The Deputy Development Commissioner (D.D.C.), Sheohar, District-Sheohar.
5. The Managing Director, Bihar Panchayati Raj, Finance Corporation, Vikash Bhawan, New Secretariat, Patna.
6. The D.R.D.A. Sheohar through Chairman D.D.C. Sheohar, District-Sheohar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Labh,
		Mr. Shyamakant Singh &
		Mr. Krishna Singh, Advocates.
For the State	:	Mr. Manikant Mishra, G.P.25
	:	Mr. Rajesh Kumar Singh, A.C. to G.P. 25.
	:	Mr. Vishwaroop Jha, Advocate.
	:	Mr. Gopi Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 10-12-2015

Heard learned counsel for the parties.

The writ petition has been filed seeking a direction to the respondent Corporation to make payment of admitted retiral dues of the petitioner.

From the materials on record, it is apparent that though the dues are not denied but the only impediment is as to from where the payment shall be made, as according to the respondent Corporation, it has got no funds having been defunct from the year 1995 and has also been approved for being put under liquidation. On a specific direction of the Court to the respondent Corporation to bring on record details of its assets and liabilities, a 5th supplementary counter affidavit has been filed on behalf of the concerned respondent in which it has been stated that it does not even have the money to get the accounts audited. However, it has also been stated that there are no assets of the Corporation and only some money is lying in the Bank account which has been given by the State for the purposes of winding up expenses.

Learned counsel for the petitioner submits that the Corporation being fully owned by the State, the liability to pay the dues of the petitioner should also rest with the State and it should be directed to make payment accordingly.

Upon considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is unable to agree with the submissions of learned counsel for the petitioner that the State should be made liable to pay the dues for the reason that the Corporation, though a creation of the State, was a totally independent and autonomous body and because of its activity has landed in a position whether now it is left without funds even to pay the dues of its employees and thus the State cannot be directed to make good either its losses or to take the liability of the Corporation as far as the dues of its employees are concerned, as there is no such obligation under law.

For the reasons aforesaid, the Court is not in a position to grant any relief to the petitioner and the writ petition stands disposed off.

However, the petitioner having a cause of action as far as his legitimate dues are concerned, has the liberty to approach the appropriate forum for redressal of his grievances relating to payment of his post retiral dues.

(Ahsanuddin Amanullah, J.)

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