

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2290 of 2014

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Sheo Prasad Ram, son of Late Phul Vayas Ram, resident of village- Siwan,
P.O.- Dhanaj, P.S.- Karahgar, District- Rohtas, presently residing at Kurzi
Balupar, P.O.- Sadakat Ashram, District- Patna

.... Petitioner

Versus

1. The Food Corporation of India, through its Executive Director (East),
10A Middleton Row, Kolkata- 700071
2. The Executive Director (East), 10A, Middleton Row, Kolkata- 700071
3. The General Manager (R), Food Corporation of India, Regional Office,
Firdaus Building, Exhibition Road, Patna- 800 001
4. The Manager (PERS), 10A, Middleton Row, Kolkata- 700071
5. The Manager, (CPF), FCI, Zonal Office (E), 10A, Middleton Row,
Kolkata- 700071
6. The Manager (Pension), FCI, Zonal Office (E), 10A Middleton Row,
Kolkata- 700071
7. Area Manager, Food Corporation of India, District Office, Firdaush
Building, Exhibition Road, Patna- 800 001
8. The Manager (Depot) Food Corporation of India, Food Storage Depot,
Mokama, District- Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav
For the Respondent/s : Mr. Prabhakar Tekriwal, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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4 09-01-2015 Heard learned counsel for the petitioner and Mr.

Prabhakar Tekriwal, learned counsel, who has appeared on behalf

of all the Respondents/ Food Corporation of India.

The petitioner, who retired on 31.08.2012 as Manager,
Quality Control, Food Storage Depot, Food Corporation of India,
Mokama, has prayed for directing the Respondents to pay post-
retirement benefit. In paragraph-8 of the writ petition, the

petitioner has elaborated the claim, which is under seven heads.

In this case, a counter affidavit has been filed on behalf of Food Corporation of India. Learned counsel for the petitioner submits that the claim of the petitioner under the head of pension, leave encashment, T.A., Momento Gift and I.O. / difference T.A. Bill has already been settled and there is no grievance under the aforesaid heads. However, he disputes the stand taken by the Food Corporation of India in paragraph-13 of the counter affidavit, wherein it has been indicated that now nothing is payable to the petitioner under the head of C.P.F. Learned counsel for the petitioner submits that for certain period, deduction has not been shown and, as such, the petitioner is entitled to get some more amount under the head of C.P.F.

Of course, supplementary affidavit has been filed by the petitioner, but such dispute has not been elaborately raised. The Court is of the opinion that such dispute may not be examined in a contempt proceeding. Since most of the grievances of the petitioner have been redressed and under the head of C.P.F. initially Rs.20,42,967/- and subsequently Rs.16,712.50 was already paid, the Court is of the opinion that writ petition can be disposed of granting liberty to the petitioner to file a detailed representation in respect of claim of remaining amount of C.P.F.

before the Respondent no.3/ General Manager (R), Food Corporation of India, Regional Office, Firdaus Building, Exhibition Road, Patna. If such representation is filed within a period of one month from today, Respondent no.3 is required to examine the representation of the petitioner and take final decision on the representation preferably within a period of two months thereafter. It is made clear that if Respondent no.3 considers that the petitioner is entitled to get some more amounts under the head of C.P.F., necessary order must be passed within the aforesaid period and payment is effected without any delay. In case of refusal, Respondent no.3 is required to pass a speaking order and also provide a calculation chart in respect of entire C.P.F. amount.

With above observation and direction, the writ petition stands disposed of.

(Rakesh Kumar, J)

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