

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1687 of 2013

In
Civil Writ Jurisdiction Case No. 4407 of 2009

- =====
1. The Bihar State Food and Civil Supplies Corporation through the Managing Director, Sone Bhawan, Birchand Patel Path, Patna-1
 2. The Managing Director, Bihar State Food And Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna-1
 3. The Chief Of Finance, Bihar State Food And Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna-1
 4. The District Manager, Bihar State Food and Civil Supplies Corporation Limited, District Office Samastipur, District- Samastipur

.... Appellants

Versus

Kameshwar Mahto, Son Of Late Muneshwar Mahto, Resident Of Mohalla Kalighat (Town Darbhanga), P.S.- Town Darbhanga, District- Darbhanga

.... Respondent

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with

Letters Patent Appeal No.1698 of 2013
IN
Civil Writ Jurisdiction Case No. 8481 of 2009

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1. The Bihar State Food and Civil Supplies Corporation Ltd. through the Chairman Cum Managing Director, Sone Bhawan, Birchand Patel Path, Patna- 1
2. The Managing Director, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna-1
3. The Chief Of Claim, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna-1
4. The Incharge District Manager, Bihar State Food and Civil Supplies Corporation Limited, District Office Samastipur, District- Samastipur

.... Appellants

Versus

Kameshwar Mahto, Son Of Late Muneshwar Mahto, Resident Of Mohalla Kalighat (Town Darbhanga), P.S.- Town Darbhanga, District- Darbhanga

.... Respondent

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Appearance :

(In LPA No.1687 of 2013)

For the Appellant/s : Mr. R.S. Pradhan, Sr. Advocate
Mr. Amrendra Narayan Rai, Advocate

For the Respondent/s : Mr. Gajendra Kumar Jha, Advocate
(In LPA No.1698 of 2013)

For the Appellant/s : Mr. R.S. Pradhan, Sr. Advocate
Mr. Amrendra Narayan Rai, Advocate

For the Respondent/s : Mr. Gajendra Kumar Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER
(Per: HONOURABLE THE CHIEF JUSTICE)

3 07-04-2015

These Letters Patent Appeals are filed against the common order dated 1.4.2013 passed by the learned single Judge in C.W.J.C. Nos.4407 of 2009 and 8481 of 2009.

Respondent in both the appeals was employed as Deputy Godown Manager. It was alleged that due to negligence at his work place, there was damage to food grains. The Corporation quantified the damage and recovered the amount from the respondent by the end of the year 2001. Thereafter, a question arose as to what would be his exact age of superannuation. While, according to the appellants, it is 58 years, the respondent pleaded that it to be 60 years. The contention of the respondent was upheld by this Court as well as by the Supreme Court.

The first writ petition (CWJC No.4407 of 2009) is filed with a prayer to direct the appellants i.e., Bihar State Food Corporation to fix his retirement benefits. Almost at the same time, the appellants passed an order proposing to recover interest on the alleged delayed payment of the amount representing the damage to the food grains. The second writ petition (CWJC No.8481 of 2009) was filed challenging the same. The learned

single Judge allowed both the writ petitions. Hence, these appeals.

Heard Shri R.S.Pradhan, learned Senior Counsel for the appellants and Shri Gajendra Kumar Jha, learned counsel for the respondent.

Two questions arise for consideration in these appeals. The first is as to whether the appellants have to fix the retirement benefits of the respondent, by treating his age as 60 years. It has already been mentioned that the contention of the respondent that he is entitled to remain in service up to 60 years of age was upheld by the Supreme Court and the appellants have not raised any contention to the contrary. Therefore, they are under obligation to calculate the retirement benefits on that basis.

The second aspect is the subject matter of second writ petition. The appellants sought to levy interest on the delayed payment of the amount representing the damage to the food grains. The actual amount was recovered by the year 2001. No mention was made that any amount was left out or that the appellants were prevented to recover the amount from the salary of the respondent. The order demanding interest is passed in the year 2009 in respect of the payment made in the year 2001, that too after the retirement of the respondent, such order cannot be

sustained on facts or in law.

We do not find any ground to interfere with the order of the learned single Judge. The appeals are, thus, dismissed.

The interlocutory application, if any, shall also stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Ashwani Kumar Singh, J)

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