

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1232 of 2015

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Binod Kumar Srivastava Son of Late Siyber Saran Srivastava at present resident of
C/o Alok Kumar Srivastava, Mohalla - Anandpuri Bibiganj, P.O. - M.I.T., P.S. -
Brahmpura, District -Muzaffarpur(Bihar).

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna.
2. The Secretary, Department of Water Resources-cum-Chairman, Bihar State Construction Corporation Limited.
3. The Bihar State Construction Corporation Limited through its Managing Director at its Head Quarter at Khwaja Imli, Anishabad, Patna.
4. The Managing Director, Bihar State Construction Corporation Limited, Office at Khwaja Imli, Anishabad, Patna.
5. The Secretary, Administration, Bihar State Construction Corporation Limited, Office at Khwaja Imli, Anishabad, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Advocate
Mr. Nurul Hoda, Advocate
For respondent no. 2 : Mr. Rakesh Prabhat, AC to SC-21
For the Respondent
Nos. 3, 4 and 5 : DR. Harshvardhan Shivsundaram, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 13-12-2016

Heard learned counsel for the parties.

2. In the present writ petition, the petitioner has sought payment of his retiral dues pursuant to his superannuation on 31.10.2008.



3. Learned counsel for the petitioner submits that after performing his duty regularly and continuously for more than 26 years, the petitioner retired from service on completing 58 years of age on 31.10.2008 from the post of Typist while he was working in the officer of Bihar State Construction Corporation Limited (for short 'Corporation').

4. A counter-affidavit has been filed on behalf of respondent-Corporation wherein it has been stated that due to financial crunch, the Corporation is unable to pay the retiral dues of the petitioner.

5. Learned counsel for the Corporation has stated that considering extreme financial exigency the Board of Directors of the Corporation has resolved to go for winding up of the Company and in the light of the resolution taken by the Board of Directors, a Company Petition has been filed before this Court vide Company Petition No. 6 of 2014.

6. In reply, learned counsel for the petitioner has submitted that the said Company Petition filed by the Corporation has already been dismissed by this Court for want of prosecution and the same was filed just in order to deny the rightful claim of the employees of the Corporation.

7. The fact that the Company Petition has been



dismissed for want of prosecution is not denied by the learned counsel appearing on behalf of the Corporation. Learned counsel for the Corporation has also submitted that the liability of the Corporation is running into several crores and the employees of the Corporation cannot be paid unless and until some financial assistance is provided by the State Government because Corporation has no source of income and the State Government has also stopped allotting construction work to the Corporation since 1990.

8. On the other hand, leaned counsel for the petitioner has submitted that the aforesaid contention of the Corporation is not correct as several other employees have recently been paid their legal dues by the Corporation.

9. In support of such submission, certain cheques issued by the Corporation have also been produced by the learned counsel for the petitioner. Let the same be kept on record.

10. Keeping in mind that the petitioner has superannuated and the right for settlement of post-retiral claim is not a matter of dispute, I direct the respondents to settle the claim of the petitioner within a period of three months. Respondents No. 2, 3 and 4 are also directed to make payment of the admitted retiral dues of the petitioner within the aforesaid period of three months.



In case, the order is not complied with, the petitioner would be entitled to pay interest at the rate of seven percent per annum on the dues to be calculated with effect from the expiry of three months from the date of the order of this Court being produced before respondent no. 2.

11. The writ petition is disposed of with the above directions.

(Ashwani Kumar Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	...
Uploading Date	14.12.2016
Transmission Date	

