

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20523 of 2014

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1. Parmatma Singh Son of Late Baleshwar Singh Resident of H.I. - 137, Harmu Housing Colony, P.S. - Argora, District - Ranchi, At present working on contract in Bihar Construction Corporation Limited at its Head Quarter at Khwaja Imli, Anishabad, Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Water Resources Department, Government of Bihar, Patna.
2. The Secretary, Water Resources Department, Government of Bihar, Patna.
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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra
For the State : Mr. AC to GP 29
For the Corporation : Mr R.K.Shukla

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-05-2016

The Court will not defeat the right and claim of the petitioner on the ground that the Corporation where the petitioner has spent his entire life and dedicated himself to the service will be left penniless after superannuation on the ground that the Corporation is in dire financial situation.

The obligation to pay does not vanish and the right of a citizen cannot be defeated under the garb of inability to pay.

The Court is not concerned with the Corporation liability running into hundred of crores because the sundry creditors can set the law into motion to recover the said amount but that position

cannot be allowed to prevail with regard to petty employees who at the fag end of their life neither have the resources nor the age on their side to litigate.

Keeping in mind that the petitioner has superannuated and the right for settlement of his post retiral claims is not a matter of dispute, the Court directs that settlement of the claim will be made within a period of three months.

The Court also directs that a copy of this order will be marked to the Chief Secretary, Government of Bihar who also has a duty to bring the above order to the notice of Hon’ble Chief Minister because as a welfare state it is the duty of the respondents since the Corporation especially was organ of the State to reach out to such employees, who are in distress. The State will find a mechanism to lend a helping hand at this stage of their life.

The office will communicate the order to the Chief Secretary.

The writ application is disposed of with the above direction.

(Ajay Kumar Tripathi, J)

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CAV DATE	
Uploading Date	10.5.2016
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