

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15064 of 2009

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1. Usha Devi W/O Late Bijay Kumar Gupta, R/O Vill- Sakhara, P.S-
Phulwaria, P.S-Barauni, Distt- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary-Cum-Agriculture Production
Commissioner, Department Of Agriculture Production Commissioner,
Department Of Agriculture, Vikash Bhawan, New Secretariat, Bailey Road,
Patna
2. The Director, Agriculture, Bihar, Department Of Agriculture Vikash
Bhawan, New Secretariat, Bailey Road, Patna
3. The Managing Director, Bihar Fruit and Vegetable Development
Corporation Ltd. Udyog Nursery, Old Secretariat, Patna
4. The Chief Accounts Officer-Cum-Public Information Officer (Under The
Right To Information Act, 2005) Bihar Fruit And Vegetable Development
Corporation Ltd. Patna, Udyan Nursery, Old Secretariat, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Advocate

For the Respondent/s : Mr. Arun Kumar Singh, A.C. to G.P-24)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

16 14-12-2016 The petitioner is widow of one Bijay Kumar Gupta,

who was an employee in Bihar Fruit and Vegetable Development

Corporation Limited. Said Bijay Kumar Gupta has died-in-harness

in the year 1989. Claiming payment of arrears of salary right from

1985 to 1994 and other terminal dues such as unutilized leave

salary, the contributory provident fund amount, gratuity amount,

the petitioner filed this application under Article 226 of the

Constitution of India seeking direction to the respondents

including the Corporation for payment of the said amount.



From an order dated 20.11.2014 passed in this case, it appears that as on that day, a total sum of Rs. 2,82,627/- was found outstanding.

The Corporation took a plea before the Court that unless the State Government released the fund, the payments as claimed by the petitioner could not be made. Considering such stand taken on behalf of the Corporation and the claim of the petitioner this Court passed the following order dated 20.11.2014:-

“Although the Petition has been pending before this Court for more than five years and several affidavits have been filed in the proceeding, there is absolutely no denial to the claim made by the petitioner. It is apparent that the Corporation has no intention to pay the dues of the deceased employee to his widow under the pretext of financial constraints. The Corporation looks forward to the State Government to release funds for payment of the Corporation’s employees. The State Government does not appear to have intention to take over the liability of the employees of the Corporation.

May be the Corporation is a Public Sector Undertaking of the State of Bihar. It is the primary liability of the Corporation to pay salary and other dues to its employees and their family in case of their death in harness.



In absence of any dispute the matter should not have been pending before this Court for these five years. The intention of the Corporation to kill time is writ large in its conduct.

The respondent-Bihar Fruit and Vegetable Development Corporation, its Managing Director and the Chief Accounts Officer are directed to deposit a sum of Rs. Three lakhs in the Registry of this Court within three weeks from today.

Stand over to 18th December 2014.

In case the respondent-Corporation fails to deposit the aforesaid amount of Rs. Three lakhs with the Registry of this Court as directed, the respondent nos. 3 and 4 - the Managing Director and the Chief Accounts Officer of the Bihar Fruit and Vegetable Development Corporation will personally remain present before the Court. In that event, the Court may also consider initiating contempt proceeding against the respondent nos. 3 and 4 or to restrain the respondent nos. 3 and 4 from receiving pay or salary from the Corporation until this order is complied with. ”

Despite such order, the payment was not made within time as stipulated in the said order dated 20.11.2014. However, it



appears that subsequently on 21.01.2014, the Corporation deposited the said amount of Rs. 3,00,000/- with the Registry of the Court. It further appears that the Corporation had filed a Civil Review No. 423 of 2014 seeking review of the order of this Court dated 20.11.2014. It is being informed by learned counsel for the petitioner that the said review application has been dismissed.

By a subsequent order of this Court dated 08.01.2015 the Registry was directed to deposit the said amount of Rs. 3,00,000/- in a short term fixed deposit with a nationalized Bank so that the money did not remain idle and it could earn interest.

In the background of the above facts, the only order which is required to be passed in the present case is for payment of amount deposited with the Registry of the Court to the petitioner. Evidently, as on 20.11.2014, a total sum of Rs. 2,86,627/- was claimed to be outstanding and there had been no denial to the said claim on behalf of the Corporation. It is also apparent that the petitioner had approached this Court in the year 2009 and for no lapse on her part, the claim remained pending all these years.

In such circumstance, I would have considered awarding interest on the amount claimed by the petitioner but in the peculiar facts and circumstances of the case, considering the financial status of the Corporation, I direct the Registry to release



the said amount of Rs. 3,00,000/- along with the interest, which the said amount might have earned after having been deposited with the nationalized Banks under the order of this Court dated 23.01.2015. The amount should be released to the petitioner within four weeks from today.

This application is accordingly disposed of.

(Chakradhari Sharan Singh, J)

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