

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.700 of 2016

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Bisarjan Ram Son of Late Tufani Ram, Resident of Village - Ahra, P.O. -
Mirwatikala, P.S. - Raghunathpur, District - Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Food and Civil Supply Corporation Bihar, Patna.
2. The Chairman - cum - Managing Director, Bihar State Food and Civil Supply Corporation, Bihar, Patna, Sone Bhawan, Vir Chand Patel Path, Patna.
3. The Chief Personal, Bihar State Food & Civil Supply Corporation, Sone Bhawan, Virchand Patel Path, Patna.
4. The District Manager, Bihar State Food & Civil Supply Corporation, East Champaran, Gopalganj.

.... Respondents

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Appearance:

For the Petitioner : Mr. Dhramveer, Advocate
For the State : Mr. Upendra Pratap Singh, A.C. to S.C.25.
For the Corporation : Mr. A.N. Rai, Advocate.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 18-05-2016

Heard parties.

Admittedly, the petitioner was made to retire from compulsorily vide Annexure-4 dated 21.10.2002 from the services of Bihar State Food and Civil Supply Corporation, under Rule 29. However, learned counsel for the petitioner submits that he is entitled for payment for certain post retiral dues.

It is not clear from Annexure-4 that the compulsory retirement is with post retiral dues or without post retiral dues.

Learned counsel for the State is not sure but he also submits that perhaps gratuity and leave encashment may be payable to

him and for other benefit of payment, he would have to make a claim before the Corporation so that it could be transmitted to the Provident Fund Department.

Accordingly, this writ application is being disposed of with a direction to the respondent no.2 The Chairman-cum-Managing Director, Bihar State Food and Civil Supply Corporation, Bihar, Patna to get the matter of the petitioner examined and take a decision with regard to payment of any post retiral dues including gratuity, leave encashment, pension etc. The petitioner would also be at liberty to submit his paper for pension which is to be transmitted to the E.P.F. However, that would be subject to the final decision of the respondent no.2. It is expected that such decision would be taken within a period of three months from the date of receipt/ production of a copy of this order.

It is made clear that the petitioner, if found entitled for payment of dues which were not paid to him after passing the order contained in Annexure-4 then, apart from statutory interest, he would also be entitled for simple interest at the rate of 10% on the admissible amount.

(Dr. Ravi Ranjan, J.)

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