

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24940 of 2013

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Ram Narayan Mahton Son Of Late Anant Lal Mahton Resident Of Village -
Aurahi, P.O. - Bhatchauri, Police Station - Babu Barahi, Via - Khajauli, District -
Madhubani

.... Petitioner

Versus

1. The State Of Bihar Through District Magistrate, Madhubani
2. The Sugar Cane Commissioner, Bihar, Patna
3. The Director Employee Provident Fund Muzaffarpur
4. The Deputy Labour Commissioner Cum Controlling Authority Darbhanga
5. The Managing Director Bihar State Sugar Corporation Limited, Patna
6. The General Manager Bihar State Sugar Corporation Limited Unit - Sakri,
District - Madhubani
7. The District Certificate Officer, Madhubani

.... Respondents

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Appearance :

For the Petitioner/s : Mr. RATANAKAR JHA, Advocate

For the Respondent/s : Mr. RAJESH KR.VERMA, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 12-05-2016

The petitioner who retired on 2.9.1995 while working as
Gramin Ganna Sewak in the lohat Sugar Works within Bihar State
Sugar Corporation, has prayed for (a) payment of gratuity
amounting to Rs.49036.50 (b) payment of arrears of salary from
January, 1992 to 3.9.1995 amounting to Rs.74456.91 (c) to make
payment of provident fund including other retiral dues.

Counter affidavit has been filed on behalf of respondent no.2
stating that the petitioner has already been paid salary through
Justice Uday Sinha Committee and (a) retaining allowance (1994-
95) amounting to Rs.3146/- (b) bonus (1994-95) amounting to
Rs.989/- and (c) gratuity of Rs.20,858.25/- are to be paid by the
Corporation.

Counsel for the Corporation has also filed counter affidavit
stating that on account of weak financial position of various units of

the Sugar Corporation, most of the retrial dues of a large number of employees are not being paid. Further, the Unit was also put under auction sale but without any result. Several letters have also been sent to the Government for release of fund. Mr. Pradhan, leaned counsel for the Corporation submits that in order to become eligible as per paragraph 12 of the Pension Scheme, 1995, one has to be in service for minimum of 10 years.

The petitioner while referring to a copy of the PPO, a copy of which is contained in Annexure 16, submits that he has also been sanctioned pension under Employees Pension Scheme, 95 and was getting pension from the Punjab National Bank, but the same has been stopped.

In the facts and circumstances of the case, the writ petition is disposed of with observation that if the petitioner files a representation before respondent no.3, he would pass appropriate order with respect to payment of pension of the petitioner.

Shashi.

(Samarendra Pratap Singh, J)

AFR/NAFR	
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