

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1689 of 2014

In
Civil Writ Jurisdiction Case No.11651 of 2013

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The Managing Director, Bihar State Industrial Development Corporation,
Indira Bhawan, Boring Canal Road, Patna Now R.C. Singh Path, Bailey
Road, Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Industries Department, New Secretariat, Patna
3. The Director, Industries Department, New Secretariat, Patna
4. Tapeswar Prasad, son of late Ambika Prasad, resident of Mohalla-
Vishnupuri, Ram Lakhan Singh Path, Chitkohra, P.S.- Gardanibagh, Town &
District- Patna

... .. Respondent/s

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with
Letters Patent Appeal No. 1426 of 2014
In
Civil Writ Jurisdiction Case No.11651 of 2013

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1. The State of Bihar through the Principal Secretary, Industry
Department, New Secretariat, Patna.
2. The Principal Secretary, Industry Department New Secretariat,
Patna.
3. The Director, Industry Department New Secretariat, Patna.

... .. Appellant/s

Versus

1. Tapeswar Prasad Son of Late Ambika Prasad Resident of Mohalla -
Vishnupuri, Ram Lakhan Singh Path, Chitkohra, P.S. - Gardanibag, District-
Patna.
2. The Managing Director, Bihar State Industrial Development Corporation,
Indira Bhawan, Boring Canal Road, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Satyabir Bharti, Adv. Mr. Alok Chandra, Adv.
For the Respondent/s	:	Mr. GA5- JAI SHANKAR BARNAWAL, Adv. Mr. Suresh Kumar, Adv. Mr. Arbind Kumar, Adv.

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 07-12-2017

Challenging the orders passed by the learned Writ Court in C.W.J.C. No.11651 of 2013, both these appeals have been filed by the Managing Director of Bihar State Industrial Development Corporation and the State Government challenging the inter se liabilities imposed between them in the matter of settlement of the claim for salary and the post retiral benefit of the petitioner Shri Tapeswar Prasad who is respondent herein. The original petitioner was appointed as an Assistant on 17.7.1974 in the Corporation and while he was so working in the Corporation, the post of Accounts Assistant was transferred and he was deputed to work in the Accounts Section of Industries Department under the State of Bihar. He worked on deputation and thereafter retired on attaining the age of superannuation and when his claim for salary, Provident Fund, Gratuity and other post retiral dues was not settled, he approached the learned Writ Court for settlement of the claim. The payments to be made were for a period when the employee was on deputation with the State Government and after considering the rival contentions, in para 27 of the impugned order,



the following directions have been issued by the learned Writ Court:

"27. On the basis of the aforesaid discussions, this writ petition stands disposed of with liberty to the petitioner to file fresh representation before respondent No.3 within one month from today for claiming his salary for the period from August, 2006 to 20.11.2006 and if he does so, respondent no.3 shall ensure payment of arrears salary of the petitioner for the above stated period within four months from the date of filing of representation petition and similarly, petitioner is also granted liberty to make representation before respondent no.4 claiming his grievance regarding payment of balance amount of gratuity for deputation period, balance amount of unutilized earned leave for 101 days and payment of balance amount of contributory provident fund for deputation period and if he does so, respondent no.4 shall ensure payment of the above stated dues of the petitioner within four months from the date of filing representation petition.

Now before us, in this appeal, the State Government wants to shift the burden on the Corporation for settlement of the claim and the Corporation, on the other hand, denies its liabilities and says that when the employee was on deputation with the State Government, the State Government should settle the claim.

Be that as it may, we find that only because of the inter se dispute between the State Government and the respondent Corporation, a retired employee is suffering and not getting pension and other benefits for last one decade.



Taking note of the nature of directions issued by the learned Writ Court, as indicated hereinabove, only because the liability is being disputed by the appellant, we see no reason to interfere into the matter. Both these appeals are dismissed with a direction to settle the claim of the employee concerned as directed by the learned Writ Court, within 45 days from the date of receipt/production of a copy of this order and thereafter the appellants may resolve the inter se dispute in accordance with law.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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