

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.267 of 2015

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Suresh Prasad son of Late Rajendra Prasad, resident of Mohalla- C/29, Mitramandal Colony, Anisabad, P.S.- Phulwari, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Agriculture, Bihar, Patna
2. The Managing Director, Bihar State Agro Industries Corporation Limited, Sinha Library Road, Patna
3. The Secretary, Bihar State Agro Industries Corporation Limited, Sinha Library Road, Patna
4. The Director, Bihar Education Project Council, Education Bhawan, Rajendra Nagar, Patna
5. The D.S.E., Department of Education, Ara, Bhojpur
6. The Asstt. Commissioner, Employees Provident Fund Department Organisation, Road No. 6, R-Block, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Advocate
: Mr. Bipin Kumar @ Deo

For the Bihar Education
Project Council : Mr. Girish Kumar, Advocate

For Respondent No.6 : Mr. Sarvadeo Singh, Advocate

For Respondent No.2 : Mr. Arbind Kumar Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 28-03-2017

In the present writ application the petitioner has prayed for a direction to the respondents to pay retiral dues such as E.P.F., leave encashment and gratuity. He has also prayed for a direction to the respondents for fixation of pension as well as arrears of pension from the date of his retirement.

2. Several false statements on oath have been made by the petitioner in the present writ application. When the Managing



Director, Bihar State Agro Industries Development Corporation Ltd., Patna controverted the submissions of the petitioner by filing a counter affidavit and the petitioner was asked to file reply to the counter affidavit filed by the Managing Director of the Corporation, he has taken a plea that erroneous statements were made because of the fact that payment of salary of 80 per cent for the period 1993-94 and 1994-95 was received long back on two occasions and, therefore, due to confusion the correct figure could not be brought to the notice of the Court. It is further stated that incorrect statement with respect to payment of eighty per cent salary were made as the relevant documents of payment were not with the petitioner and on enquiry from the other employees who had received the payment they told the petitioner that only twenty per cent amount of salary had been paid.

3. It is stated that by the learned counsel for the respondent Corporation that the petitioner has been paid salary, dearness allowance, interim relief of two years for 1993-94 about eighty per cent and for 1994-95 twenty per cent pursuant to the order passed by the Supreme Court in Kapila Hingorani vs. State of Bihar and Others. He stated that payment of all the employees against due salary for the period May, 1993 to March, 1995 has been paid on the recommendation of Hon'ble Mr. Justice Uday Sinha Committee.

4. He has submitted that the entire E.P.F amount of the



petitioner has already been paid and claim of the petitioner in respect of payment of E.P.F. amount is wholly illegal. He has further contended that since there is no scheme of pension to the employees of the Corporation, the petitioner is not entitled to receive pension or arrear of pension.

5. Learned counsel for the petitioner admitted the fact that pursuant to the recommendation of Hon'ble Justice Uday Sinha Committee, the petitioner has already receive a sum of Rs.36,436/-.

6. Considering the facts and circumstances of the case as also the conduct of the petitioner, in my opinion no mandamus can be issued in the present case in respect of the claim of the petitioner.

7. Accordingly, the writ application is disposed of with liberty to the petitioner to file representation before the respondent no.2 in respect of his claim. In case such a representation is filed, it is needless to say that the respondent would consider the claim and dispose of the same by a speaking order.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31.03.2017
Transmission Date	

