

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.757 of 2013

IN

Civil Writ Jurisdiction Case No. 18452 of 2008

- =====
1. The Secretary, Supply and Food Commerce Department, Government Of Bihar, Patna
 2. The State of Bihar

.... Appellant

Versus

1. Badhawan Singh S/O Late Nathu Singh Resident Of Village- Palpal, P.S.- Daltenganj, District- Palamu
2. The Managing Director, Bihar State Food And Civil Supplies Corporation Ltd., Sone Bhawan, 5th Floor, Birchand Patel Path, Patna
3. The Chief Finance, Bihar State Food And Civil Supplies Corporation Limited, Virchand Patel Path, Patna
4. The District Magistrate, Aurangabad
5. The Chairman, District Forum (Consumer Protection), Aurangabad, Bihar
6. The District Manager, Bihar State And Food And Civil Supplies Corporation Ltd., Aurangabad

.... Respondents

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Appearance :

For the Appellant/s : Mr. Anil Kumar Singh
For the Respondent/s : Mr. Ashok Kumar Choudhary, Advocate
Mr. Shailesh Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 21-11-2017

None appears for the appellant. None has appeared for the appellant since 4.7.2013. Sri Ashok Kumar Choudhary, learned counsel for the respondents is present.

Keeping in view the fact that the respondent employee is now a senior citizen and the issue pertains settlement of his pensionary claim after his retirement, effected on 31.8.2002 and even



after passage of more than 15 years he has not been granted the benefit of pension and further the fact that the order was also passed on 22.1.2013 by the learned Writ Court in a writ petition which was filed in the year 2008, we see no reason to keep the matter pending. We have perused the record, heard learned counsel for the respondents and we find that the only question involved in the matter is as to whether the petitioner is entitled to pension and other benefits after his superannuation on 31.8.2002 for the employment with the appellant Corporation from 29.11.1966 to 31.8.2002.

From the facts that have come on record, it is clear that even though the petitioner was initially appointed as a Palledar in a Departmental godown in the district of Madhubani but by orders passed by the Deputy Commissioner, his services were taken over and his services were transferred to a godown owned by BSFC, Corporation is running under the control and supervision of the State Government and finding the employee to have been absorbed in service with effect from 21.11.1966, the benefits have been granted to the petitioner by allowing the writ petition.

As it is found that he was working under the control of the State Government right from 1966 till his retirement in the year 2002, the reasoned order passed by the learned Writ Court granting the pensionary benefits, in our considered view, does not call for any



interference.

Accordingly, we dismiss this appeal and direct that all the pensionary benefits of the petitioner be supplied within a period of 60 days from the date of receipt/production of a certified copy of this order, failing which the entire claim was carry interest at the rate of 12% per annum from today till its settlement.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

N.H./-

AFR/NAFR	NAFR
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