

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11601 of 2015

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1. Savita Devi w/o Late Lakshmi Saw
2. Uma Kant.
3. Ravi Kant Gupta, both sons of Late Lakshmi Saw, all the three resident of Road
No. 15/C, Rajeev Nagar, Police Station- Rajeev Nagar, Patna- 800024.
..... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply,
Government of Bihar, Patna
2. The Principal Secretary, Food and Civil Supply, Government of Bihar, Patna
3. The Commissioner, Patna Division Patna.
4. The District Magistrate, Patna
5. The Additional District Magistrate, Supply
6. The Accountant General, Bihar, Patna
7. The Managing-Director, Bihar State Food & Civil Supplies Corporation, Sone
Bhawan, Bir Chand Patel Marg, Patna
..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Adv.
Mr. Rajeev Shekhar, Adv.
For the State : Mr. Shahid Siddiqui, A.C. to AAG-5
For Respondent No.6 : Mr. Ram Kinkar Choubey, Adv.
For Respondent No.7 : Mr. Shailendra Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-11-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The instant writ petition was filed by the original
petitioner Lakshmi Saw for a direction to the respondents to pay his
pension and other admissible benefits. During pendency of the writ
petition, Lakshmi Saw died and his heirs and legal representatives
were allowed to be substituted in his place vide order dated



21.09.2017 passed in I.A. No. 4694 of 2017.

3. The claim of the writ petitioner is that he was appointed on the post of Day Guard-cum-Operator at Circle Office, Masaurhi on 29.01.1967 and subsequently he was sent on deputation to the Bihar State Food and Civil Supplies Corporation where he submitted his joining on 01.08.1974 and while serving in the Bihar State Food and Civil Supplies Corporation, he superannuated from the post of Salesman on 30.06.2008 while he was posted in the office of the District Manager, Bihar State Food and Civil Supplies Corporation, Madhubani. After superannuation from services in the year 2008, the pension of the petitioner has not been fixed and consequently he is not getting pensionary and other admissible benefits.

4. The stand of the State is that the original writ petitioner was an employee of the Bihar State Food and Civil Supplies Corporation, which has deducted EPF contribution amount of the petitioner, but he never raised any objection till retirement and received all retirement benefits. The petitioner did not produce any appointment letter of the State Government and there is no proof that he served the State Government for the qualifying period of pensionable service.

5. The stand of the Bihar State Food and Civil Supplies Corporation is that the deceased employee Lakshmi Saw was



appointed on 01.08.1974 in the Bihar State Food and Civil Supplies Corporation and he superannuated on 30.06.2008. After superannuation, he has already accepted all retirement benefits in the Bihar State Food and Civil Supplies Corporation without any objection. It is only after nine years of retirement, the deceased employee filed the writ petition before this Court in the year 2015 claiming that his initial appointment was in the State Government and he was sent on deputation to the Bihar State Food and Civil Supplies Corporation.

6. I have heard learned counsel for the parties and perused the record.

7. It would be manifest from the record that the original petitioner worked in the Bihar State Food and Civil Supplies Corporation for over three decades and all benefits of promotion and pay scale have been given to him by the said Bihar State Food and Civil Supplies Corporation and at no point of time he raised any objection in this regard.

8. The fact that original writ petitioner was a member of Employees Provident Fund and deduction was made from his salary in the EPF Account has not been denied. The averments made in the counter affidavit filed on behalf of the State and the Bihar State Food and Civil Supplies Corporation in this regard have not been disputed.



9. The petitioners have failed to bring any cogent material on record in respect of the claim of the deceased employee that he was sent on deputation. Such a vague statement cannot be accepted for the purpose of allowing the pension in Government service.

10. Under the circumstances noted above, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07-11-2017
Transmission Date	

