

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11377 of 2016

=====

1. Krishna Choudhary, son of Late Bhagirath Choudhary, resident of Mohalla- Kumhrarchak, P.S.- Agamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Managing Director, Bihar State Food & Civil Supplies Corporation Road, No.2, R.Block, Patna.
3. The District Manager, Bihar State Food & Civil Supplies Corporation, Patna.
4. The Assistant Commissioner, Employees Provident Fund Organization Road, No.2, R. Block, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak
 For the Respondent/s : Mr. Kumar Manish SC 5
 For BSPC : Mr. Shailendra Kumar Singh
 For EPF : Mr. S.K. Dutta

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

02 19.08.2017 Heard learned counsel for the petitioner and learned counsel appearing for the State.

The petitioner claims that his retiral dues has not been paid as yet and at para 6 of the petition, it appears that, altogether, six fold grievances have been raised by the petitioner but learned counsel appearing for the Corporation submits that the petitioner is not entitled regarding revision of pay scale and for grant of gratuity and leave encashment on the basis of revised pay scale because the petitioner superannuated in the year 2009 from the post of Assistant Manager, Bihar State Food & Civil Supplies Corporation, Patna and Corporation adopted 6th pay commission from 01.01.2012 and, therefore, case of the petitioner does not come under the revision of 6th pay commission.



Admittedly, part of EPF amounting to Rs. 3,73573/- has already been paid to the petitioner which is accepted by respondent no.4 in the counter affidavit but in respect of remaining payment respondent no.4 raised objection that application of the petitioner was not in proper form but I am unable to understand as to under which circumstance part payment of EPF was made to the petitioner when initially, his application was not in proper form.

However, this writ petition stands disposed of giving liberty to the petitioner to raise his grievance before respondent no.3 in respect of LIC as well as amount of transport and handing bill dues and also raise his grievance in respect of full and final payment of EPF before respondent no.4 by filing separate representation petition within one month and if the petitioner does so, respondent no.3 and 4 shall pass appropriate and reasoned order on the representation petition of the petitioner within one month from the date of its filing and if the claim of the petitioner is found correct, the aforesaid respondents shall ensure payment of admitted dues of the petitioner within one month from the date of disposal of the aforesaid representation petition.

So far claim of revision of pay scale and grant of gratuity and leave encashment on the basis of the aforesaid revised pay scale are concerned, in my view, the petitioner is not entitled to get the aforesaid benefit.

Accordingly, the writ petition stands disposed of.

shahid

U			
---	--	--	--

(Hemant Kumar Srivastava, J)

