

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4017 of 2013

IN

Civil Writ Jurisdiction Case No. 11761 of 2012

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Ujjal Guha, son of late Hari Das Guha, resident of Mohalla- Vivekanand Colony,
Rajani Chowk, Purnea, P.O.- Purnea, P.S. Khajanchi Hat, District- Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. Mr. C.C. Sinha, I.A.S., presently posted as Principal Secretary, Food, Supply and Commerce Department, Government of Bihar, Patna
3. Bihar State Food and Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Veerchand Patel Path, Patna through its Managing Director, Mr. Dr. Dipak Prasad
4. Mr. Dr. Dipak Prasad, presently posted as Managing Director, Bihar State Food and Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Veerchand Patel Path, Patna
5. Mr. Dr. Dipak Prasad, presently holding post of M.D. also, Chief of Administration, Bihar State Food and Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Veerchand Patel Path, Patna
6. Mr. D.N. Singh, presently posted as District Manager, Bihar State Food and Civil Supply Corporation Ltd., Sone Bhawan, 5th Floor, Veerchand Patel Path, Patna
7. Mr. Bijay Kumar, presently posted as Assistant Provident Fund Commissioner, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Shanti Pratap, Advocate
For B.S.F.C.	: Mr. Shailendra Kumar Singh, Advocate
For E.P.F.O.	Mr. Prashant Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 19-04-2017

From the counter affidavit filed by the officers of the Bihar State Food and Civil Supplies Corporation and the Provident Fund Organization, it is seen that all dues payable to the petitioner by these two officers have been paid.

As far as the claim of the petitioner for revision of pay in accordance to the 6th pay revision or 5th pay revision and payment



of consequent pensionary benefits are concerned, in these contempt proceedings, these questions cannot be looked into. In the writ petition, there is only direction to pay the pensionary claim to the petitioner. There is no direction with regard to payment or pension based on any revision of pay scale.

In case the petitioner is entitled to revision of pay consequent upon 6th or 5th pay revision, it is a different issue which has to be agitated by the petitioner in accordance with law as per his entitlement. For the present, the Bihar State Food and Civil Supplies Corporation and the Provident Fund Organization having already paid all the dues payable to the petitioner as per their calculation, as such, no further indulgence into the matter is called for.

As far as the claim for G.I.S. is concerned, from the show cause filed by the Bihar State Food and Civil Supplies Corporation, it is seen that it has been settled and request has been forwarded to the Life Insurance Corporation for payment of the amount to the petitioner. Petitioner should now make a claim before the authorities of Life Insurance Corporation for payment under this head. The Life Insurance Corporation not being a party before this Court in these proceedings or the writ petition, no direction can be issued to the Life Insurance Corporation.

As all the dues stand paid to the petitioner, as is



evident from the show cause filed by the respondents, no further indulgence in these proceedings is required to be made. The application is disposed of.

Liberty shall be available to the petitioner to approach the Life Insurance Corporation for settlement of his claim under Group Insurance Scheme. That apart, if the petitioner has any claim based on revision of pay and consequential revision of pension, it is a fresh cause to the petitioner which the petitioner may agitate afresh in accordance with law.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.4.2017
Transmission Date	N/A

