

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2017 of 2015

IN

Civil Writ Jurisdiction Case No. 10033 of 2011

- =====
1. The Bihar State Food and Civil Supplies Corporation Ltd. Sone Bhawan, 5th Floor Birchand Patel Marg, Patna - 1.
 2. The District Manager, Bihar State Food and Civil Supplies Corporation Ltd., Madhubani.

.... Appellants

Versus

1. Manju Devi Widow of Late Nand Kishor Prasad resident of village - Tetua, P.O. + P.S. Atri, Dist. Gaya Presently residing at C/o Ram Chandra Singh (Munim Jee) Shanti Kutir, Village - Rampur, P.S. - Buniyadganj, Dist - Gaya, Pin 823003.
2. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
3. The State of Jharkhand through its Chief Secretary, Govt. of Jharkhand, Ranchi.
4. The Managing Director, Jharkhand State Food and Civil Supplies Corporation Ltd., Ranchi.
5. The Dist. Manager, Jharkhand State Food & Civil Supplies Corporation Ltd., Jamtara, Dist - Dumka, Jharkhand.

.... Respondents

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Appearance :

For the Appellants : Mr. Shailendra Kumar Singh, Advocate

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 30-01-2017

I.A. No.8972 of 2015 is a petition for condonation of delay of 14 days. For the reasons indicated therein, the condonation application is allowed.

2. In a writ application filed by the widow of Late Nand Kishore Prasad, the learned Single Judge vide order dated 07.08.2015 quashed the decision of the Managing Director to adjust the gratuity and unutilized earned leave of a sum of Rs.1,71,846/- from the legal



heirs of the late employee who died in the year 2002.

3. It is against this order that the present appeal has been filed by the Corporation.

4. In the writ application, the widow made a plea that without any notice, without any proceeding and without explaining the basis as to what was due and outstanding against the husband of the private respondent who died on 24.12.2002, all his gratuity, unutilized leave and other payment was sought to be held back as an effort of reconciliation and recovery of the outstanding dues against him. This was sought to be done after almost 10 years of the death of the employee.

5. The learned Single Judge had clearly held that in absence of any proceeding initiated in accordance with law either against the employee or the legal heirs, how could the recovery be made at this juncture. It was in this background that the impugned order dated 22.02.2011, passed by the Managing Director was quashed and a direction was issued upon the appellants to settle the claim of the admitted dues of the late husband of the private respondent.

6. Neither the rationale nor the law, based on which the writ application has been allowed, suffers from any vice, which deserves to be corrected in appeal.



7. Appeal is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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