

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1098 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 1868 of 2005
Along with
Interlocutory Application No. 5703 of 2014**

- =====
1. The Bihar State Food & Civil Supplies Corporation Ltd. through the Managing Director, Sone Bhawan, Birchand Patel Marg, Patna.
 2. The Managing Director, Bihar State Food & Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna.
 3. The Chief of Administration, Bihar State Food & Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Marg, Patna.
 4. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Saharsa.

.... Appellant/s

Versus

1. Smt. Sudha Sinha, wife of Late R.K. Sinha Resident of Bhagwatpur, Kashthoulia (Barabatta) P.S. Jandaha, District- Vaishali.
2. The Regional Provident Fund Commissioner, Bihar, Patna.
3. The Assistant Provident Fund Commissioner, Bhagalpur.
4. The Branch Manager, L.I.C., Frazer Road, Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Anjani Kumar, Sr. Advocate
Mr. Shailendra Kumar Singh, Advocate
For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 02-03-2017**

Re: Interlocutory Application No. 5703 of 2014

The interlocutory application is for condonation of delay
of two days in filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find
that sufficient cause is made out for condonation of delay.



Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application is allowed.

Re: Letters Patent Appeal No. 1098 of 2014:

The challenge in the present Letters Patent Appeal is to an order passed by a learned Single Bench of this Court on 18th of November, 2013 whereby the writ application was allowed and the Corporation was directed to settle the death-cum-retiral benefits of the deceased husband of the writ applicant within a period of eight weeks.

Sole argument raised by learned counsel for the appellants is that a sum of Rs. 7,71,088.40 is due and payable by the deceased employee as an advance of Rs. 12,61,723.00 was given to him during the service tenure, therefore, the said amount is bound to be paid by the writ applicant.

We do not find that the Corporation is entitled to recover the said amount from the death-cum-retiral benefits. It appears that a sum of Rs. 12,61,723.00 was given as an advance to the deceased husband of the writ applicant to carry out the functions of the District office of the Corporation. It was not an advance given for the personal use of the employee. Since the amount was not for personal use, therefore, the same cannot be recovered from the death-



cum-retiral benefits payable to the wife of the deceased as any account of such amount can be sought either from the employee or from the other employees of the District office but not from the death-cum-retiral benefits payable to the writ applicant.

We do not find any merit in the present Letters Patent Appeal. The same is thus dismissed.

(Hemant Gupta, ACJ)

S.Pandey/-

(Sudhir Singh, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.03.2017
Transmission Date	

